

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**JUSTIN PETERSON,**

Plaintiff,

No. 3:19-cv-01701-MO

v.

ORDER

**C R BARD INCORPORATED; and BARD  
PERIPHERAL VASCULAR  
INCORPORATED,**

Defendants.

**MOSMAN, J.,**

I have reviewed the parties' Master Chart of Deposition Designations and Objections [ECF 169]. My rulings are reflected in the attached table.

IT IS SO ORDERED.

DATED this 3rd day of May, 2021.

*Michael W. Mosman*  
MICHAEL W. MOSMAN  
United States District Judge

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				The testimony in this deposition relates entirely, or in significant part, to the design of the Recovery filter and actions taken regarding that filter. Bard objects to the testimony under Rules 401, 402 and 403 and for the reasons set forth in its MIL #2. The testimony is largely focused on alleged "bad acts" relating to the Recovery filter.	
PL AFFIRM	Altonaga, Bill 10/22/2013	6:18-6:22			
PL AFFIRM	Altonaga, Bill 10/22/2013	7:06 -8:04			
PL AFFIRM	Altonaga, Bill 10/22/2013	8:11-8:16			
PL AFFIRM	Altonaga, Bill 10/22/2013	9:11-9:13 Start at "CETEC"			
PL AFFIRM	Altonaga, Bill 10/22/2013	10:08-10:13 Start at "I guess."			
PL AFFIRM	Altonaga, Bill 10/22/2013	14:04-14:09			
PL AFFIRM	Altonaga, Bill 10/22/2013	33:17-34:10			
PL AFFIRM	Altonaga, Bill 10/22/2013	71:24-72:07			
PL AFFIRM	Altonaga, Bill 10/22/2013	72:11-73:23			
PL AFFIRM	Altonaga, Bill 10/22/2013	86:02-86:19	Sustain	Rule 403 - there is no failure to recall claim in this case.	The Defendants argue and imply through testimony that FDA must consent to their corrective actions and this testimony addresses that argument.
PL AFFIRM	Altonaga, Bill 10/22/2013	87:03-87:04			
PL AFFIRM	Altonaga, Bill 10/22/2013	87:06			
PL AFFIRM	Altonaga, Bill 10/22/2013	87:18-87:22			
DEF COUNTER	Altonaga, Bill 10/22/2013	90:15-90:22			
PL AFFIRM	Altonaga, Bill 10/22/2013	90:23-91:06			
DEF COUNTER	Altonaga, Bill 10/22/2013	91:13-91:16			
PL AFFIRM	Altonaga, Bill 10/22/2013	92:18-92:24			
PL AFFIRM	Altonaga, Bill 10/22/2013	96:17-96:23			
PL AFFIRM	Altonaga, Bill 10/22/2013	99:11-99:19			
PL AFFIRM	Altonaga, Bill 10/22/2013	103:06-103:19			
PL AFFIRM	Altonaga, Bill 10/22/2013	103:22-104:20			
PL AFFIRM	Altonaga, Bill 10/22/2013	105:05-105:07			
PL AFFIRM	Altonaga, Bill 10/22/2013	107:06-107:10			
PL AFFIRM	Altonaga, Bill 10/22/2013	109:19-110:05			
PL AFFIRM	Altonaga, Bill 10/22/2013	113:02-113:06			
PL AFFIRM	Altonaga, Bill 10/22/2013	116:20-116:23 Starting at "We talked"			
PL AFFIRM	Altonaga, Bill 10/22/2013	117:08-117:13			
PL AFFIRM	Altonaga, Bill 10/22/2013	118:17-118:22 Starting at "and we"			
PL AFFIRM	Altonaga, Bill 10/22/2013	124:18-125:18			
DEF COUNTER	Altonaga, Bill 10/22/2013	124:18-125:14	Sustain	FRE 403: testimony is already contained in Plaintiff's affirmatives so results in undue delay, waste of time and needless presentation of cumulative evidence	
PL AFFIRM	Altonaga, Bill 10/22/2013	125:22-126:03			
DEF COUNTER	Altonaga, Bill 10/22/2013	126:01-126:03	Sustain	FRE 403: testimony is already contained in Plaintiff's affirmatives so results in undue delay, waste of time and needless presentation of cumulative evidence	

Altonaga 10.22.13

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Altonaga, Bill 10/22/2013	135:20-136:18			
PL AFFIRM	Altonaga, Bill 10/22/2013	137:02-137:22	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard, [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.
PL AFFIRM	Altonaga, Bill 10/22/2013	138:04-138:21	Override	(138:17-21) Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard, [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture and further perforation in the future. The potential complication is relevant as Mr. Peterson is at risk of it due to the filter perforating his IVC.
PL AFFIRM	Altonaga, Bill 10/22/2013	142:10-142:17			
PL AFFIRM	Altonaga, Bill 10/22/2013	149:08-150:11	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard, [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture and further perforation in the future. The potential complication is relevant as Mr. Peterson is at risk of it due to the filter perforating his IVC.
PL AFFIRM	Altonaga, Bill 10/22/2013	152:06-152:14			
PL AFFIRM	Altonaga, Bill 10/22/2013	152:16-152:20			
PL AFFIRM	Altonaga, Bill 10/22/2013	152:24-153:11			
PL AFFIRM	Altonaga, Bill 10/22/2013	153:17-153:20			
DEF COUNTER	Altonaga, Bill 10/22/2013	154:05-154:12	Override	FRE 403: The answer to the question posed is not designated. Accordingly, the question is not relevant and is misleading.	
DEF COUNTER	Altonaga, Bill 10/22/2013	155:04-155:10	Override	FRE 403: The question answered by the witness is not designated. Accordingly, the answer is not relevant and is misleading as the corresponding question isn't designated.	
PL AFFIRM	Altonaga, Bill 10/22/2013	157:19-158:06			
PL AFFIRM	Altonaga, Bill 10/22/2013	158:10-158:21			
PL AFFIRM	Altonaga, Bill 10/22/2013	158:23-159:03			
PL AFFIRM	Altonaga, Bill 10/22/2013	160:23-161:06			
PL AFFIRM	Altonaga, Bill 10/22/2013	Start at "I never"			
PL AFFIRM	Altonaga, Bill 10/22/2013	168:05-168:09			
PL AFFIRM	Altonaga, Bill 10/22/2013	168:12-168:13			
PL AFFIRM	Altonaga, Bill 10/22/2013	169:21-170:04			
PL AFFIRM	Altonaga, Bill 10/22/2013	170:07-170:10			
Altonaga 10/22/2013	Altonaga, Bill 10/22/2013				

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Altonaga, Bill 10/22/2013	170:12-170:13			
PL AFFIRM	Altonaga, Bill 10/22/2013	179:07-179:13			
PL AFFIRM	Altonaga, Bill 10/22/2013	179:20-180:07			
DEF COUNTER	Altonaga, Bill 10/22/2013	180:21-180:22			
PL COUNTER TO COUNTER	Altonaga, Bill 10/22/2013	180:23-181:06	Sustain	Rule 602. Witness does not have personal knowledge of the document.	
DEF COUNTER	Altonaga, Bill 10/22/2013	182:04-182:06			
PL AFFIRM	Altonaga, Bill 10/22/2013	243:16-243:18			
PL AFFIRM	Altonaga, Bill 10/22/2013	243:20-244:01			
PL AFFIRM	Altonaga, Bill 10/22/2013	251:03-251:06			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				Defendants object to the presentation of any and all deposition testimony from Dr. Asch pursuant to Rules 401, 402, and 403. Dr. Asch's only involvement was in conducting a clinical trial involving the Recovery filter prior to its clearance by FDA in 2003. This case does not involve the Recovery filter -- it involves the G2X filter, which was Bard's filter two generations after Recovery. Dr. Asch's clinical trial is not pertinent to the G2X filter, particularly given that Bard conducted a clinical trial known as the Everest filter, which involved the second generation/G2 filter, years after Dr. Asch's study and years before Mr. Peterson's filter was ever placed. Given that Dr. Asch's testimony pertains only to the Recovery filter and issues related thereto, this testimony is irrelevant and any probative value is outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	In response to this objection The Plaintiffs' adopt and incorporate by reference his response in opposition to C.R. Bard, Inc. and Bard Peripheral Vascular, Inc. s Motion in Limine to Exclude Testimony and Evidence of Recovery Filter Migration Deaths and in support. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter s complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard, [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embolism. His filter is still implanted and he is at risk for fracture in the future.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	12:09-13:06	Overrule	Rules 401, 402, 403 -- Testimony relates to irrelevant and prejudicial evidence regarding Bard s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff s punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter s complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard, [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embolism. His filter is still implanted and he is at risk for fracture in the future.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	13:16-14:22			
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	15:06-16:09	Overrule	Rules 401, 402, 403 -- Testimony relates to irrelevant and prejudicial evidence regarding Bard s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff s punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24; Ex. 209 [Dr. Asch's published article discloses research was supported by Bard]). As demonstrated herein above the testimony from this witness is relevant to the defect in the design of the filter and Bard's negligence.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	16:13-16:15 beginning with "Yes, there were..."	Overrule	Rules 401, 402, 403 -- Testimony relates to irrelevant and prejudicial evidence regarding Bard s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff s punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24; Ex. 209 [Dr. Asch's published article discloses research was supported by Bard]). As demonstrated herein above the testimony from this witness is relevant to the defect in the design of the filter and Bard's negligence.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	17:09-17:24 beginning with "Why was this..."	Overrule	Rules 401, 402, 403 -- Testimony relates to irrelevant and prejudicial evidence regarding Bard s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff s punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24; Ex. 209 [Dr. Asch's published article discloses research was supported by Bard]). As demonstrated herein above the testimony from this witness is relevant to the defect in the design of the filter and Bard's negligence.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	18:07-18:14	Overrule	18:12-18:14-Rule 611(c) Leading question of witness on direct: Rules 401, 402, 403 -- Testimony relates to irrelevant and prejudicial evidence regarding Bard s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff s punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24; Ex. 209 [Dr. Asch's published article discloses research was supported by Bard]). As demonstrated herein above the testimony from this witness is relevant to the defect in the design of the filter and Bard's negligence.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	18:16-18:17	Overrule	Rules 401, 402, 403 -- Testimony relates to irrelevant and prejudicial evidence regarding Bard s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff s punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24; Ex. 209 [Dr. Asch's published article discloses research was supported by Bard]). As demonstrated herein above the testimony from this witness is relevant to the defect in the design of the filter and Bard's negligence.
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	19:02-19:09	Overrule	FRE 801 & 802: hearsay	
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	19:24-21:06 beginning with "would you call..."	Overrule	Rules 401, 402, 403 -- Testimony relates to irrelevant and prejudicial evidence regarding Bard s conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff s punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24; Ex. 209 [Dr. Asch's published article discloses research was supported by Bard]). As demonstrated herein above the testimony from this witness is relevant to the defect in the design of the filter and Bard's negligence.
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	22:04-23:06			

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PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	23:07-23:09	Override	Rule 611 assumes facts not in evidence; Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24; Ex. 209 (Dr. Asch's published article discloses research was supported by Bard)). The question does not assume that purpose of study was to obtain FDA clearance - just asks if he was told this; in any event, other testimony and evidence will establish that this study was in fact conducted for and included as part of Bard's submission for FDA 510(k) clearance (e.g., Vierling Deposition, 25:13-27:20 Exhibit 212 (Bard's 510(k) submission including Asch data); 182 9-186:16 As demonstrated herein above the testimony from this witness is relevant to the defect in the design of the filter and Bard's negligence.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	23:11-24:03	Override	24:01-24:02-Rule 611(c) Leading question of witness on direct. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24; Ex. 209 (Dr. Asch's published article discloses research was supported by Bard)). As demonstrated herein above the testimony from this witness is relevant to the defect in the design of the filter and Bard's negligence.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	24:05-26:02	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. 26:08-28:13-Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. 28:10-28:12. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard)). The testimony involves the study submitted to FDA to get clearance for the Recovery; testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See report of Dr. Hull.
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	25:18-26:20 subject to objection	Override	FRE 403: testimony is already contained in Plaintiff's affirmatives so results in undue delay, waste of time and needless presentation of cumulative evidence	
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	26:08-28:13	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. 26:08-28:13-Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. 28:10-28:12. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard)). The testimony involves the study submitted to FDA to get clearance for the Recovery; testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	28:15-29:15	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard)). The testimony involves the study submitted to FDA to get clearance for the Recovery; testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	29:22-30:14	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard)). The testimony involves the study submitted to FDA to get clearance for the Recovery; testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently.

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PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	31:05-31:10	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. 31 9-31:10-(Additional objection) Rule 611(c) Leading question of witness on direct	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony involves the study submitted to FDA to get clearance for the Recovery; testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. Not a leading question; witness is identified with adverse party.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	31:12-32:03	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness is identified with adverse party. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24; Ex. 209 (Dr. Asch's published article discloses research was supported by Bard)). The evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21). As demonstrated herein above the testimony from this witness is relevant to the defect in the design of the filter and Bard's negligence.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	32:11-37:09 beginning with "Dr. Asch,..."	Overrule	36:05-37:09-Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard)). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See report of Dr. Hull.
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	34:15-34:21 subject to objection	Sustain	FRE 403: testimony is already contained in Plaintiff's affirmatives so results in undue delay, waste of time and needless presentation of cumulative evidence	
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	37:16-38:02	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. 37:16-37:18 (Additional objection) Rule 611(c) Leading question of witness on direct. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony regarding other incidents or lawsuits is not relevant because there is no showing of substantial similarity.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. Not a leading question (answer not suggested by question), witness is identified with adverse party. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard)). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull. The negligent design, testing and development of the Recovery filter was substantially similar to the negligent design, testing and development of the filter at issue and thus substantially similar failures occurred - migration, fracture, and perforation. Defendants therefore misconstrue, in the meaning of "conditions operating to produce the prior failures."
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	38:07-38:17			
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	38:18-39:01	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony regarding other incidents or lawsuits is not relevant because there is no showing of substantial similarity.	Plaintiff adopts and incorporates his response stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard)). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull. The negligent design, testing and development of the Recovery filter was substantially similar to the negligent design, testing and development of the GH2X filter and thus substantially similar failures occurred - migration, fracture, and perforation. Defendants therefore misconstrue, in the meaning of "conditions operating to produce the prior failures."

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	39:12-40:05	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony regarding other incidents or lawsuits is not relevant because there is no showing of substantial similarity.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull. The negligent design, testing and development of the Recovery filter was substantially similar to the negligent design, testing and development of the GH2X filter and thus substantially similar failures occurred - migration, fracture, and perforation. Defendants therefore misconstrue, in the meaning of "conditions operating to produce the prior failures."
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	40:02-40:05 subject to objection	Sustain	FRE 403: testimony is already contained in Plaintiff's affirmatives so results in undue delay, waste of time and needless presentation of cumulative evidence	
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	40:19-40:20	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull. The negligent design, testing and development of the Recovery filter was substantially similar to the negligent design, testing and development of the filter at issue and thus substantially similar failures occurred - migration, fracture, and perforation. Defendants therefore misconstrue, in the meaning of "conditions operating to produce the prior failures."
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	40:22-41:06	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. 41:04-41:06. Rule 611(c) Leading question of witness on direct. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. Not a leading question (answer not suggested by question); witness is identified with adverse party. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	41:08-41:21	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. 41:08. Rule 611(c) Leading question of witness on direct. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. Not a leading question (answer not suggested by question); witness is identified with adverse party. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	42:12-42:19	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	43:10-44:13	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	44:19-45:01	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	45:03-45:11	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. 45:11. Mischaracterizes testimony at 45:03-45:10. Rule 611(c) Leading question of witness on direct. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. Not a leading question (answer not suggested by question); witness is identified with adverse party. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	45:13-46:22	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. 46:15-46:22-Rules 401, 402 and 403. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); The testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	49:24-50:03			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	50:12-50:18			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	56:13-56:20			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	57:10-57:12			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	57:21-58:03	Sustain	FRE 401, 402 & 403: not relevant; FRE 608: evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	58:11-58:14			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	60:02-60:04	Override	FRE 401, 402 & 403: whether this witness still implants filters is not relevant to this case. he has not been designated as an expert	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	61:22-62:04	Override	FRE 401, 402 & 403: which filters this witness used and when is not relevant to this case. he has not been designated as an expert	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	62:14-62:19			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	64:24-65:04			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	65:12-65:15	Override	FRE 701: opinion testimony by lay witness.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	65:18-70:02	Overrule	65:18-67:18: FRE 401, 402 & 403: relevance; 66:19-4: FRE 801 & 802: hearsay; 67:5-18 & 69:22-70:2: FRE 701: opinion testimony by lay witness; 65:18-67:18: FRE 611(b): beyond scope of direct.	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	70:17-71:16	Overrule		71:13-19: assumes facts not in evidence
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	72:18-73:01 beginning with "you do not know"	Overrule		Rule 401, 402 and 403
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	73:09-73:19			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	75:15-76:02 end at "is clear"	Overrule	75:21-76:2: FRE 701: opinion testimony by lay witness; FRE 401, 402 & 403: this witness's opinion not relevant; optional completeness: need to add last sentence of answer at 76:3-5	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	80:10-80:13			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	81:14-87:19	Overrule	82:2-84:10 & 86:20-87:19: FRE 701: opinion testimony by lay witness; 86:20-87:19: lack of foundation; FRE 602; FRE 403 - see 86:18-19 (witness testifies his opinion on cause of this migration was a hypothesis and he did not know for certain); if 87:15- 19 is played, 87:20-88:7 should be added as optional completeness	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	88:08-88:16	Overrule	88:8-12: FRE 701: opinion testimony by lay witness	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	88:21			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	89:06-89:23	Overrule	88:8-12: FRE 701: opinion testimony by lay witness	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	90:02-92:11	Overrule	90:3-6, 90:15-19, 90:23-91:3 & 92:2-11: FRE 701: opinion testimony by lay witness; 92:8-11: FRE 601, lack of foundation and calls for speculation as to what medical community knew; FRE 401, 402 & 403: whether migration was a known complication of other filters is not relevant	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	92:13	Overrule	FRE 701: opinion testimony by lay witness; FRE 601, lack of foundation and calls for speculation as to what medical community knew; FRE 401, 402 & 403: whether migration was a known complication of other filters is not relevant.	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	92:15-94:05	Overrule	92:15-19: statements/testimony by counsel that are not relevant and not part of question: 93:23-94:5	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	94:07			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	94:09-94:18			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	95:05-96:08 subject to objection			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	96:10-96:12 subject to objection	Sustain	optional completeness: add 96:13-19	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	96:20-100:13 subject to objection	Sustain	98:21-24 & 99:7-16: FRE 602, lack of foundation & FRE 401, 402 & 403: not relevant	
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	105:21-106:02 subject to objection			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	106:03-106:13 subject to objection	Overrule	106:3-6 & 10-13: FRE 401, 402 & 403: which filters this witness used is not relevant to this case; he has not been designated as an expert	
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	110:06-110:24 beginning with "who"			
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	111:17-112:01 beginning with "did they"			
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	115:04-115:11 beginning with "So if Bard..." Redact "causing deaths and" at line 7	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21). The testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	115:13-115:24 Redact "deaths" from line 22	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. Not a leading question (answer not suggested by question); witness is identified with adverse party. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21). The testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	116:02-116:14	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21). The testimony is relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. The testimony is relevant to the issue of consumer expectations.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	116:16-116:23	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21). The testimony is relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. The testimony is relevant to the issue of consumer expectations.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	117:01-117:05	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21). The testimony is relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. The testimony is relevant to the issue of consumer expectations.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	118:08-118:13	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 611 assumes facts not in evidence. Rule 611(c) Leading question of witness on direct. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. Not a leading question (answer not suggested by question); witness is identified with adverse party Rules 601/602 & 612: witness knows if he was told this; re 611: other evidence establishes that Bard's consultant had made this determination (e.g., BPVE-01-01019821- 25, Ex. 17 to Gillette deposition).
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	118:15-119:02	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 611 assumes facts not in evidence. Rule 611(c) Leading question of witness on direct. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. Not a leading question (answer not suggested by question); witness is identified with adverse party Rules 601/602 & 612: witness knows if he was told this; re 611: other evidence establishes that Bard's consultant had made this determination (e.g., BPVE-01-01019821- 25, Ex. 17 to Gillette deposition).
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	118:16-119:02 begin with "In fact, " subject to objection	Sustain	answer designated with no question; FRE 602; lack of foundation; hearsay; FRE 401, 402 & 403	
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	119:18-119:21 beginning with "This is"			
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	120:01-120:12 beginning with "it clearly"			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	121:04-121:14			
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	121:16-121:21			
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	121:23-122:04			
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	122:12-122:19	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony explains why Dr. Asch thought he could trust Bard to deal with design issues (see 41:19-21); testimony also concerns migration and fracture. Fracture is certainly an issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	122:22-123:15			
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	127:13-127:17	Overrule	Rules 801/802 Testimony is hearsay	The testimony is not hearsay. The witness is not testifying about an out of court statement.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	127:19-127:20	Overrule	Rules 801/802 Testimony is hearsay	The testimony is not hearsay. The witness is not testifying about an out of court statement.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	130:06-130:08	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony relates to the design of the Bard filters and the qualifications of Dr. Asch.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	130:10	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony relates to the design of the Bard filters and the qualifications of Dr. Asch.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	132:23-133:01			
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	133:03			
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	133:13-134:02	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony relates to the design of the Bard filters and the qualifications of Dr. Asch.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	136:21-136:22	Overrule	Rule 601, 602 and 612 – the witness does not have personal knowledge of the document. This is an internal Bard document that the witness has not seen.	There is an error in the citation the Documents is designated at 135:21-135:22. It refers to the description of the witness' research study that Bard included in its Bard's 510(k) submission to the FDA and asks the author if Bard has accurately represented the study to the FDA. The witness has knowledge of the study he performed for Bard, its purpose and limitations and is well qualified to comment on whether the document is accurate.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	137:05-137:14	Overrule	Rule 601, 602 and 612 – the witness does not have personal knowledge of the document. This is an internal Bard document that the witness has not seen.	It refers to the description of the witness' research study that Bard included in its Bard's 510(k) submission to the FDA and asks the author if Bard has accurately represented the study to the FDA. The witness has knowledge of the study he performed for Bard, its purpose and limitations and is well qualified to comment on whether the document is accurate.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	137:20	Overrule	Rule 601, 602 and 612 – the witness does not have personal knowledge of the document. This is an internal Bard document that the witness has not seen.	It refers to the description of the witness' research study that Bard included in its Bard's 510(k) submission to the FDA and asks the author if Bard has accurately represented the study to the FDA. The witness has knowledge of the study he performed for Bard, its purpose and limitations and is well qualified to comment on whether the document is accurate.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	137:22-138:08	Overrule	Rule 601, 602 and 612 – the witness does not have personal knowledge of the document. This is an internal Bard document that the witness has not seen.	It refers to the description of the witness' research study that Bard included in its Bard's 510(k) submission to the FDA and asks the author if Bard has accurately represented the study to the FDA. The witness has knowledge of the study he performed for Bard, its purpose and limitations and is well qualified to comment on whether the document is accurate. The testimony does not violate the court's ruling. It is discussion of what was written in the 510(k) submission before marketing of the filter and does not mention cephalad migration deaths caused by the Recovery filter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	138:10-138:11	Overrule	Rule 601, 602 and 612 – the witness does not have personal knowledge of the document. This is an internal Bard document that the witness has not seen.	It refers to the description of the witness' research study that Bard included in its Bard's 510(K) submission to the FDA and asks the author if Bard has accurately represented the study to the FDA. The witness has knowledge of the study he performed for Bard, its purpose and limitations and is well qualified to comment on whether the document is accurate.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	138:13-138:16	Overrule		Rule 601, 602 and 612 – the witness does not have personal knowledge of the document. This is an internal Bard document that the witness has not seen.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	139:10-140:05 beginning with "we have..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony concerns perforation. Perforation is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	142:05-142:09 beginning with "wouldn't you"	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony relates the findings by Dr. Asch.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	142:11-142:13	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony relates the findings by Dr. Asch.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	145:12-145:15	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony concerns perforation. Perforation is certainly at issue in this case.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	145:22-146:01	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony concerns perforation. Perforation is certainly at issue in this case.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	146:20-147:02	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony relates the findings by Dr. Asch.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	147:04 Ending with "Absolutely"	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony relates the findings by Dr. Asch.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	150:10-150:20	Sustain	Lacks foundation. Rule 701. Testimony is expert opinion by a lay witness. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	160:17-161:04	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Further, as Judge Campbell recognized in the MDL, what Dr. Asch wants to share is not relevant.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	164:07-164:10 beginning with "I want"	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. What Dr. Asch wants to share with the jury is not relevant. As a witness, his role is to answer the questions posed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony relates the findings by Dr. Asch.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	164:12-165:24	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. What Dr. Asch wants to share with the jury is not relevant. As a witness, his role is to answer the questions posed.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony relates the findings by Dr. Asch.
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	168:18-168:22	Overrule	FRE 602 & lack of foundation: see 7:11-13 - witness has not reviewed this document)	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	169:03-169:10	Overrule	FRE 602 & lack of foundation: see 7:11-13 - witness has not reviewed this document and has no basis to testify as to what Bard told the FDA)	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	169:19-169:22	Overrule	FRE 602 & lack of foundation: see 7:11-13 - witness has not reviewed this document and has no basis to state what the FDA was advised of)	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	170:11-171:24 ends at "do not".	Sustain	FRE 611(b): beyond the scope of direct examination; 170:18-171:21: counsel is reading from document that witness does not recall seeing (171:22-24); hearsay; lack of personal knowledge; FRE 602; FRE 401, 402 & 403.	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	173:07-174:02 end at "Asch"	Sustain	FRE 611(b): beyond the scope of direct examination; counsel is reading from document that witness has no personal knowledge of; hearsay; lack of personal knowledge. FRE 602. FRE 401, 402 & 403.	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	174:09-174:13	Sustain	FRE 611(b): beyond the scope of direct examination; counsel is reading from document that witness has no personal knowledge of; hearsay; lack of personal knowledge. FRE 602. FRE 401, 402 & 403.	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	175:05-175:18	Sustain	FRE 611(b): beyond the scope of direct examination	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	176:03-176:05	Sustain	FRE 611(b): beyond the scope of direct examination; counsel is reading from document that witness has no personal knowledge of (see 175:8-13); hearsay; lack of personal knowledge. FRE 602. FRE 401, 402 & 403.	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	176:09-176:18	Sustain	FRE 611(b): beyond the scope of direct examination; counsel is reading from document that witness has no personal knowledge of (see 175:8-13); hearsay; lack of personal knowledge; FRE 602; FRE 401, 402 & 403; optional completeness: add 176:19-177:6	
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	176:19-177:06			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	178:02-178:18 begin at "You"	Sustain	178:2-10: FRE 701: opinion testimony by lay witness	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	178:23	Overrule	optional completeness: add 178:21 which was part of the question	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	182:13-182:14			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	182:23-183:11			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	184:07-184:15			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	subject to objection			
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	184:21-185:04 subject to objection Redact 185:21-"and/or death"	Overrule	FRE 602 & lack of foundation: see 7:11-13 - witness has not reviewed this document and has no basis to state what was in Bard's submission to the FDA)	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	185:12-186:14 subject to objection	Sustain	FRE 611(b): beyond the scope of direct examination; 185:16-23: counsel is reading from document that witness does not recall seeing (185:24-186:2); hearsay; lack of personal knowledge; FRE 602; FRE 401, 402 & 403; 186:11-14: counsel is testifying and witness is agreeing without personal knowledge; lack of personal knowledge. FRE 602	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	187:02-187:04	Sustain	FRE 611(b): beyond the scope of direct examination; counsel is testifying and witness is agreeing without personal knowledge: lack of personal knowledge; FRE 602. hearsay	
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	191:14-191:24 beginning with "you would"	Overrule	No exhibit marked. 401, 402 and 403. Witness is testifying about a document that is not admitted in evidence.	The document will be admitted in evidence at the time of trial.
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	193:15-193:17	Overrule	FRE 701: opinion testimony by lay witness; FRE 401, 402 & 403: whether another manufacturer's filter has complications is not relevant.	
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	196:04-197:04			

Asch 5.2.16

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Asch, Murray R. M.D. 05/02/2016	197:18-197:22 subject to objection	Overrule	FRE 701: opinion testimony by lay witness; FRE 401, 402 & 403	
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	199:24-200:10	Sustain	This designation violates the Court's ruling on the MILs involving Recovery migration deaths.	This is the same testimony Judge Campbell permitted in the Jones trial in response to Bard's soliciting testimony from the witness that he continued to use the Recovery filter after performing his study. (See 106:03-106:13, herein and bench conference from Jones transcript 326:01-330:03 and subsequent testimony from 330:06-342:08)
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	200:12-200:13			
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	200:21-201:05 beginning with "At"			
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	201:18-202:07	Sustain	401, 402, 403. The doctor's "feelings" are not relevant.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony realates the Dr. Asch's experience with Bard.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	202:09-202:11	Sustain	No exhibit marked. 401, 402 and 403. Witness is testifying about a document that is not admitted in evidence.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony realates the Dr. Asch's experience with Bard and the Bard filters
PL COUNTER TO COUNTER	Asch, Murray R. M.D. 05/02/2016	206:17-208:01			
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	208:13-208:21	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	208:23-209:18	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter.	Plaintiff adopts and incorporates his response to the Defendants' objections stated at Row 2 as though fully set forth herein. The witness was paid by Bard to perform a study he is being questioned about (14:11-14; 110:6-24); Ex. 209 (Dr. Asch's published article discloses research was supported by Bard). The testimony also concerns migration and fracture. Fracture is certainly at issue in this case and evidence of the issues related to migration are relevant to assess all the risks posed by the design in evaluating whether it was unreasonably dangerous and whether Bard acted negligently. See Report of Dr. Hull.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	210:02-210:16	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony goes toward the relationship between Bard, its employees, and Dr. Asch. The testimony further goes toward the credibility of Bards' employees when testifying about Dr. Asch.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	210:23-210:24	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony goes toward the relationship between Bard, its employees, and Dr. Asch. The testimony further goes toward the credibility of Bards' employees when testifying about Dr. Asch.
PL AFFIRM	Asch, Murray R. M.D. 05/02/2016	211:02-211:04	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony goes toward the relationship between Bard, its employees, and Dr. Asch. The testimony further goes toward the credibility of Bards' employees when testifying about Dr. Asch.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Asch, Murray 05/16/2018	300:16-300:24 stop after "filter"			
DEF AFFIRM	Asch, Murray 05/16/2018	301:01-301:05			
DEF AFFIRM	Asch, Murray 05/16/2018	302:17-307:15			
DEF AFFIRM	Asch, Murray 05/16/2018	307:19			
DEF AFFIRM	Asch, Murray 05/16/2018	307:24-308:23			
DEF AFFIRM	Asch, Murray 05/16/2018	308:24 stop after 557			
DEF AFFIRM	Asch, Murray 05/16/2018	309:04-311:25			
DEF AFFIRM	Asch, Murray 05/16/2018	312:03-314:05 start with "Do you..."			
DEF AFFIRM	Asch, Murray 05/16/2018	314:10-319:18			
DEF AFFIRM	Asch, Murray 05/16/2018	320:07-322:03			
DEF AFFIRM	Asch, Murray 05/16/2018	322:10-325:19			
PL COUNTER	Asch, Murray 05/16/2018	330:06-331:04	Sustain	Rules 401, 402 and 403. 330:18-22 Rule 801 - Hearsay	This is the same testimony Judge Campbell permitted in the Jones trial in response to Bard's soliciting testimony from the witness that he continued to use the Recovery filter after performing his study. (See bench conference from Jones transcript 326:01-330:03 and subsequent testimony from 330:06-342:08).
PL COUNTER	Asch, Murray 05/16/2018	331:15-333:02	Sustain	Rules 401, 402 and 403. 330:18-22 Rule 801 - Hearsay	This is the same testimony Judge Campbell permitted in the Jones trial in response to Bard's soliciting testimony from the witness that he continued to use the Recovery filter after performing his study. (See bench conference from Jones transcript 326:01-330:03 and subsequent testimony from 330:06-342:08).
PL COUNTER	Asch, Murray 05/16/2018	333:03-333:03 "Display Exhibit"			
PL COUNTER	Asch, Murray 05/16/2018	333:06-333:17			
PL COUNTER	Asch, Murray 05/16/2018	333:20-334:08			
PL COUNTER	Asch, Murray 05/16/2018	334:20-335:12			
PL COUNTER	Asch, Murray 05/16/2018	335:17-335:19 Starting with "This is:"			
PL COUNTER	Asch, Murray 05/16/2018	337:10-337:21			
PL COUNTER	Asch, Murray 05/16/2018	337:24-337:25 "Display Exhibit" only			
PL COUNTER	Asch, Murray 05/16/2018	338:02-338:14			
PL COUNTER	Asch, Murray 05/16/2018	338:21-340:12			
PL COUNTER	Asch, Murray 05/16/2018	340:20-341:05			



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Baird, Brett 06/09/2016	10:09-10:10			
PL AFFIRM	Baird, Brett 06/09/2016	10:16-10:22			
DEF COUNTER	Baird, Brett 06/09/2016	10:23-11:05			
PL AFFIRM	Baird, Brett 06/09/2016	11:06-11:11			
PL COUNTER TO COUNTER	Baird, Brett 06/09/2016	beginning "and when..." 34:01-34:11			
PL COUNTER TO COUNTER	Baird, Brett 06/09/2016	35:18-35:25			
PL COUNTER TO COUNTER	Baird, Brett 06/09/2016	36:03-36:12			
PL AFFIRM	Baird, Brett 06/09/2016	41:06-42:06			
PL AFFIRM	Baird, Brett 06/09/2016	beginning "So and..." 46:11-47:09			
DEF COUNTER	Baird, Brett 06/09/2016	47:10-47:17	Sustain	Objection: relevance (FRE 401/402).	
PL AFFIRM	Baird, Brett 06/09/2016	63:24-64:04			
DEF COUNTER	Baird, Brett 06/09/2016	64:23-65:19	Sustain	Objection to lines 65:13 (beginning, 'when attorneys...')-15 ("...national TV") under FRE 402, 403 as irrelevant and because any probative value outweighed by the danger of prejudice, as discussed in Plaintiffs' omnibus Motion in Limine concerning lawyer advertising. Further, the testimony is non-responsive to the question asked.	
PL AFFIRM	Baird, Brett 06/09/2016	66:13-66:18	Overrule	The document does not pertain to the Eclipse filter, which is the filter at issue in this case. Thus, any possible relevance, which is denied, is outweighed by prejudicial effect.	The designated testimony lays the foundation for use of a relevant, admissible exhibit with the witness; it has no tendency to cause confusion or prejudice. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony is relevant and is not outweighed by any prejudicial development.
DEF COUNTER	Baird, Brett 06/09/2016	67:14-68:16			
PL AFFIRM	Baird, Brett 06/09/2016	69:08-69:15 beginning "So lets."	Overrule	Rules 401, 402, 403. The document does not pertain to the Eclipse filter, which is the filter at issue in this case. Thus, any possible relevance, which is denied, is outweighed by prejudicial effect.	The designated testimony lays the foundation for use of a relevant, admissible exhibit with the witness; it has no tendency to cause confusion or prejudice. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design and marketing history and the defects in the Eclipse design only can be understood in the context of the entire filter-line development. Testimony is relevant and is not outweighed by any prejudicial effect.
PL AFFIRM	Baird, Brett 06/09/2016	70:03-71:07	Overrule	Rules 401, 402, 403. The document does not pertain to the Eclipse filter, which is the filter at issue in this case. Thus, any possible relevance, which is denied, is outweighed by prejudicial effect.	The designated testimony lays the foundation for use of a relevant, admissible exhibit with the witness; it has no tendency to cause confusion or prejudice. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design and marketing history and the defects in the Eclipse design only can be understood in the context of the entire filter-line development. Testimony is relevant and is not outweighed by any prejudicial effect.
PL AFFIRM	Baird, Brett 06/09/2016	72:16-73:12	Overrule	Rules 401, 402, 403. The document does not pertain to the Eclipse filter, which is the filter at issue in this case. Thus, any possible relevance, which is denied, is outweighed by prejudicial effect.	The testimony is relevant to consumer expectations; see generally Plaintiff's Response to Bard's MIL discussing the relevance of (and lack of prejudice in) sales/marketing information about the Recovery Filter to consumer expectations for the G2 family.
DEF COUNTER	Baird, Brett 06/09/2016	73:15-73:24			
PL AFFIRM	Baird, Brett 06/09/2016	74:08-74:20	Overrule	Rules 401, 402, 403. The document does not pertain to the Eclipse filter, which is the filter at issue in this case. Thus, any possible relevance, which is denied, is outweighed by prejudicial effect.	See response to 72:16-73:12, above.
DEF COUNTER	Baird, Brett 06/09/2016	75:08-75:16	Sustain	Objection to lines 14-16 under FRE 402, 403 as described in Plaintiffs' omnibus motion in limine seeking exclusion of evidence about lawyer advertising.	
PL AFFIRM	Baird, Brett 06/09/2016	75:21-76:18 beginning "you told..."			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Baird, Brett 06/09/2016	77:15-78:11	Sustain	<p>Rules 601/602 &amp; 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 &amp; 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403. The document does not pertain to the Eclipse filter, which is the filter at issue in this case. Thus, any possible relevance, which is denied, is outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.</p>	<p>RESPONSES TO OBJECTIONS</p> <p>FRE 601/602: The witness testified to his familiarity with Dr. Lynch in connection with Dr. Lynch's role as a key opinion leader for Bard's marketing activities (76 9-18; see also 46:11-47 9), for which the witness had responsibility (11:6-11). The witness has sufficient personal knowledge to answer all questions in the designated pages/lines here. See also, generally, Plaintiffs' Response to Defendants' MIL regarding personal knowledge. FRE 612: to the extent the testimony involves a writing used to refresh recollection, Bard was provided a copy of that writing. Bard chose to market the Eclipse filter using the \$10(K) process which relied upon the Recovery filter as the predicate. The Eclipse filter trace its design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding theG2 filter's complications is relevant and is not outweighed by any prejudicial effect. J The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.</p>
DEF COUNTER	Baird, Brett 06/09/2016	78:12-78:13			
PL AFFIRM	Baird, Brett 06/09/2016	78:25-79:03	Sustain	<p>Rules 601/602 &amp; 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 &amp; 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403. The document does not pertain to the Eclipse filter, which is the filter at issue in this case. Thus, any possible relevance, which is denied, is outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.</p>	<p>FRE 601/602: The witness testified to his familiarity with Dr. Lynch in connection with Dr. Lynch's role as a key opinion leader for Bard's marketing activities (76 9-18; see also 46:11-47 9), for which the witness had responsibility (11:6-11). The witness has sufficient personal knowledge to answer all questions in the designated pages/lines here. See also, generally, Plaintiffs' Response to Defendants' MIL regarding personal knowledge. FRE 612: to the extent the testimony involves a writing used to refresh recollection, Bard was provided a copy of that writing. Bard chose to market the Eclipse filter using the \$10(K) process which relied upon the Recovery filter as the predicate. The Eclipse filter trace its design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding theG2 filter's complications is relevant and is not outweighed by any prejudicial effect. J The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.</p>
PL AFFIRM	Baird, Brett 06/09/2016	79:07-79:22	Sustain	<p>Rules 601/602 &amp; 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 &amp; 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403. The document does not pertain to the Eclipse filter, which is the filter at issue in this case. Thus, any possible relevance, which is denied, is outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.</p>	<p>FRE 601/602: The witness testified to his familiarity with Dr. Lynch in connection with Dr. Lynch's role as a key opinion leader for Bard's marketing activities (76 9-18; see also 46:11-47 9), for which the witness had responsibility (11:6-11). The witness has sufficient personal knowledge to answer all questions in the designated pages/lines here. See also, generally, Plaintiffs' Response to Defendants' MIL regarding personal knowledge. FRE 612: to the extent the testimony involves a writing used to refresh recollection, Bard was provided a copy of that writing. Bard chose to market the Eclipse filter using the \$10(K) process which relied upon the Recovery filter as the predicate. The Eclipse filter trace its design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding theG2 filter's complications is relevant and is not outweighed by any prejudicial effect. J The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.</p>

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Baird, Brett 06/09/2016	79:23-80:14 beginning "if you..." ending "...total complaints."	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403. The document does not pertain to the Eclipse filter, which is the filter at issue in this case. Thus, any possible relevance, which is denied, is outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 601/602: The witness testified to his familiarity with Dr. Lynch in connection with Dr. Lynch's role as a key opinion leader for Bard's marketing activities (76 9-18; see also 46:11-47 9), for which the witness had responsibility (11:6-11). The witness has sufficient personal knowledge to answer all questions in the designated pages/lines here. See also, generally, Plaintiffs' Response to Defendants' MIL regarding personal knowledge. FRE 612: to the extent the testimony involves a writing used to refresh recollection, Bard was provided a copy of that writing. Bard chose to market the Eclipse filter using the \$10(K) process which relied upon the Recovery filter as the predicate. The Eclipse filter trace its design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding theG2 filter's complications is relevant and is not outweighed by any prejudicial effect. J The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.
DEF COUNTER	Baird, Brett 06/09/2016	80:14-80:18			
PL AFFIRM	Baird, Brett 06/09/2016	80:25-81:11	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403. The document does not pertain to the Eclipse filter, which is the filter at issue in this case. Thus, any possible relevance, which is denied, is outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 601/602: The witness testified to his familiarity with Dr. Lynch in connection with Dr. Lynch's role as a key opinion leader for Bard's marketing activities (76 9-18; see also 46:11-47 9), for which the witness had responsibility (11:6-11). The witness has sufficient personal knowledge to answer all questions in the designated pages/lines here. See also, generally, Plaintiffs' Response to Defendants' MIL regarding personal knowledge. FRE 612: to the extent the testimony involves a writing used to refresh recollection, Bard was provided a copy of that writing. Bard chose to market the Eclipse filter using the \$10(K) process which relied upon the Recovery filter as the predicate. The Eclipse filter trace its design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding theG2 filter's complications is relevant and is not outweighed by any prejudicial effect. J The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.
PL AFFIRM	Baird, Brett 06/09/2016	82:04-82:18	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	FRE 601/602: The witness testified to his familiarity with Dr. Lynch in connection with Dr. Lynch's role as a key opinion leader for Bard's marketing activities (76 9-18; see also 46:11-47 9), for which the witness had responsibility (11:6-11). The witness has sufficient personal knowledge to answer all questions in the designated pages/lines here. See also, generally, Plaintiffs' Response to Defendants' MIL regarding personal knowledge. FRE 612: to the extent the testimony involves a writing used to refresh recollection, Bard was provided a copy of that writing. Bard chose to market the Eclipse filter using the \$10(K) process which relied upon the Recovery filter as the predicate. The Eclipse filter trace its design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding theG2 filter's complications is relevant and is not outweighed by any prejudicial effect. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.
DEF COUNTER	Baird, Brett 06/09/2016	82:24-83:05	Sustain	FRE 611; question is improperly compound; FRE 602: question seeks speculation outside witness's personal knowledge; FRE 402: whether witness personally ever "thought about that" is irrelevant to any matter in issue.	
DEF COUNTER	Baird, Brett 06/09/2016	83:08-84:05	Sustain	Answer is non-responsive. FRE 408: improper testimony about Bard's character for "vigilance" in order to prove action in conformity therewith. FRE 602: witness lacks personal knowledge sufficient to testify that Bard was "vigilant" in capturing complications (having just testified that the complaint process was outside the scope of his experience in marketing), lacks foundation to testify about FDA "thresholds" or that Bard "abides by" FDA thresholds, and lacks foundation to testify about what doctors have access to or know.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Baird, Brett 06/09/2016	91:25-92:17	Overrule	(92:9-92:17) Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	FRE 401/402/403: The testimony is relevant to consumer expectations; see generally Plaintiffs' Response to Bard's MIL discussing the relevance of (and lack of prejudice in) sales/marketing information about the Recovery Filter to consumer expectations for the G2 family. Testimony regarding the G2 filter's complications is relevant and is not outweighed by any prejudicial effect. The complications and Bards' knowledge of the complications are relevant to the Plaintiff's claims. FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	92:21-92:25	Overrule	Rules 801/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	FRE 401/402/403: The testimony is relevant to consumer expectations; see generally Plaintiffs' Response to Bard's MIL discussing the relevance of (and lack of prejudice in) sales/marketing information about the Recovery Filter to consumer expectations for the G2 family. Testimony regarding the G2 filter's complications is relevant and is not outweighed by any prejudicial effect. The complications and Bards' knowledge of the complications are relevant to the Plaintiff's claims. FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
DEF COUNTER	Baird, Brett 06/09/2016	93:01-93:07			
PL AFFIRM	Baird, Brett 06/09/2016	93:08-93:25 beginning "nothing specific..."	Overrule	(93:13-93:25) Rules 801/802. Document contains hearsay; testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	94:24-95:06	Overrule	Rules 801/802. Document contains hearsay; testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	95:23-96:02 beginning "this is..."	Overrule	Rules 801/802. Document contains hearsay; testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	96:24-97:05	Overrule	Rules 801/802. Document contains hearsay; testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
DEF COUNTER	Baird, Brett 06/09/2016	97:06-97:15			
PL AFFIRM	Baird, Brett 06/09/2016	97:25-98:04	Overrule	Rules 801/802. Document contains hearsay; testimony is hearsay. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
DEF COUNTER	Baird, Brett 06/09/2016	101:06-101:08	Sustain	FRE 402/403: Testimony regarding lawyer advertising is irrelevant and prejudicial for the reasons discussed in Plaintiff's omnibus motion in limine.	
PL AFFIRM	Baird, Brett 06/09/2016	101:18-101:23	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Baird, Brett 06/09/2016	102:12-102:16	Override	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	103:04-103:06	Override	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	103:11-103:15	Override	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	104:05-104:07	Override	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	105:05-105:10 beginning "And you..."	Override	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	105:21-106:16 beginning "What's the..."	Override	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
DEF COUNTER	Baird, Brett 06/09/2016	107:02-107:09			
DEF COUNTER	Baird, Brett 06/09/2016	107:13-107:22			
PL AFFIRM	Baird, Brett 06/09/2016	107:23-108:07	Override	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
DEF COUNTER	Baird, Brett 06/09/2016	108:11-108:15			
PL AFFIRM	Baird, Brett 06/09/2016	108:18-109:03	Override	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	109:08-109:21			
PL AFFIRM	Baird, Brett 06/09/2016	109:24			
PL AFFIRM	Baird, Brett 06/09/2016	110:01-110:16	Override	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	110:22-111:02			
DEF COUNTER	Baird, Brett 06/09/2016	112:11-112:16			
DEF COUNTER	Baird, Brett 06/09/2016	112:24-114:02			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Baird, Brett 06/09/2016	114:04-114:18 beginning "Question 6 says..."	Overrule	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	115:07-115:09 beginning "what does..."	Overrule	Rule 611 compound question. Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	115:13			
DEF COUNTER	Baird, Brett 06/09/2016	115:14-115:15			
PL AFFIRM	Baird, Brett 06/09/2016	115:21-115:22			
PL AFFIRM	Baird, Brett 06/09/2016	116:17-118:09	Overrule	Rules 801/802 Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure made at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
DEF COUNTER	Baird, Brett 06/09/2016	119:02-119:05	Sustain	Improper designation of a question with no answer by the witness; the lawyer's question is not evidence.	
PL AFFIRM	Baird, Brett 06/09/2016	119:13-119:22 beginning "It goes..."	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	119:25-120:02	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	125:06	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	125:09-125:10	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	125:12-125:18 beginning "what did..."	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	127:15-127:22	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	127:25-128:06	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Baird, Brett 06/09/2016	128:10-128:15	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	128:18	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	128:23-128:24	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	129:02	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	129:04-129:07	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	129:10-129:16	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	129:19-129:25	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	130:03	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
DEF COUNTER	Baird, Brett 06/09/2016	130:05-130:10	Sustain	Not responsive to any pending question.	
PL COUNTER TO COUNTER	Baird, Brett 06/09/2016	152:21-153:03			
PL AFFIRM	Baird, Brett 06/09/2016	153:16-154:12	Overrule	Rules 801/802 Testimony is hearsay	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	156:11-157:09 beginning "So let's..." ending "prophylactically."	Overrule	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
PL AFFIRM	Baird, Brett 06/09/2016	157:14-157:22	Overrule	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Baird employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Baird, Brett 06/09/2016	157:23-158:19			
PL AFFIRM	Baird, Brett 06/09/2016	158:20-158:25	Overrule	Rules 801/802. Testimony is hearsay.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D).
DEF COUNTER	Baird, Brett 06/09/2016	159:24-160:03			
DEF COUNTER	Baird, Brett 06/09/2016	160:06-160:12			
PL AFFIRM	Baird, Brett 06/09/2016	162:17-163:02	Overrule	Rules 801/802. Testimony is hearsay. Rules 401.402, 403.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D). The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.
PL AFFIRM	Baird, Brett 06/09/2016	163:05-163:25	Overrule	Rules 801/802. Testimony is hearsay. Rules 401.402, 403.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D). The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.
DEF COUNTER	Baird, Brett 06/09/2016	164:12-165:21	Overrule	FRE 402, 403: testimony about advocacy groups guidelines is irrelevant and any probative value is outweighed by the danger of confusion of the issues, and prejudice, as discussed in Plaintiff's Omnibus motion in limine.	
DEF COUNTER	Baird, Brett 06/09/2016	166:20-170:19	Overrule	FRE 402, 403: testimony about advocacy groups guidelines is irrelevant and any probative value is outweighed by the danger of confusion of the issues, and prejudice, as discussed in Plaintiff's Omnibus motion in limine. FRE 402: The witness's testimony concerning the details of the SIR Guidelines is not relevant to any matter at issue because the witness is unable to explain whether or to what extent these were used with customers (186:10-11).	
DEF COUNTER	Baird, Brett 06/09/2016	171:05-171:11	Overrule	FRE 402, 403: testimony about advocacy groups guidelines is irrelevant and any probative value is outweighed by the danger of confusion of the issues, and prejudice, as discussed in Plaintiff's Omnibus motion in limine. FRE 602: The witness lacks knowledge to offer testimony as to whether the SIR guidelines were available to Bard's customers; FRE 702: he is not qualified as an expert to offer opinion testimony on this matter.	
PL AFFIRM	Baird, Brett 06/09/2016	180:08-180:14	Overrule	Rules 801/802. Testimony is hearsay. Rules 401.402, 403.	FRE 801/802: None of the questions or answers in this designation are hearsay under FRE 801(c) because none is an out-of-court statement offered to prove the truth of the matter asserted; further, even if interpreted as hearsay, the statements made by Bard employees about matters within the scope of their employment are non-hearsay under FRE 801(d)(2)(D). The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.
DEF COUNTER	Baird, Brett 06/09/2016	180:15-180:19			
PL AFFIRM	Baird, Brett 06/09/2016	180:19-181:05			
DEF COUNTER	Baird, Brett 06/09/2016	Starting with "What"			
PL AFFIRM	Baird, Brett 06/09/2016	181:08-182:07			
DEF COUNTER	Baird, Brett 06/09/2016	182:08-182:15			
DEF COUNTER	Baird, Brett 06/09/2016	182:16-182:25			
PL AFFIRM	Baird, Brett 06/09/2016	183:01-183:13			



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Baird, Brett 06/09/2016	183:25-184:16	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 401, 402, 403: The testimony is relevant to whether Bard acted as a reasonably prudent manufacturer, given the information it had received from its key opinion leader, Dr. Lynch (see 76 9-18; see also 46:11-47:9). The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future.
DEF COUNTER	Baird, Brett 06/09/2016	190:11-190:19			
DEF COUNTER	Baird, Brett 06/09/2016	190:22-190:23			
DEF COUNTER	Baird, Brett 06/09/2016	191 09	Sustain	Improper designation of a single snippet from a line of testimony, without a question. FRE 402/403: Testimony about lawyer advertising ought to be excluded as explained in Plaintiff's omnibus motion in limine.	
DEF COUNTER	Baird, Brett 06/09/2016	203:09-203:23			
DEF COUNTER	Baird, Brett 06/09/2016	204:12-205:12			
DEF COUNTER	Baird, Brett 06/09/2016	205:15-205:16			
DEF COUNTER	Baird, Brett 06/09/2016	207:12-207:25			
DEF COUNTER	Baird, Brett 06/09/2016	208:15-209:24	Overrule	FRE 602/702: (208: 21-23) The witness, who is a marketing employee, lacks personal knowledge of Bard's testing processes and FDA requirements and lacks expertise to testify as an expert on these subjects.	
DEF COUNTER	Baird, Brett 06/09/2016	210:14-210:16			
DEF COUNTER	Baird, Brett 06/09/2016	211:24-212:03			
PL AFFIRM	Baird, Brett 06/09/2016	234:03-234:17	Overrule	Rules 801/802. Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not elicit hearsay under 801(d)(2) and because the testimony does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).
DEF COUNTER	Baird, Brett 06/09/2016	234:18-234:25			
PL AFFIRM	Baird, Brett 06/09/2016	235:10-237:10 beginning "under methods..."	Overrule	Rules 801/802. Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not elicit hearsay because the testimony does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).
PL AFFIRM	Baird, Brett 06/09/2016	240:03-240:11	Overrule	Rules 801/802. Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not elicit hearsay because the testimony does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Baird, Brett 06/09/2016	240:14-240:24	Sustain	Rules 801/802. Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Testimony regarding Filters "Killing People" is inflammatory and overly prejudicial.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not elicit hearsay under 801(d)(2) and because the testimony does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).
PL AFFIRM	Baird, Brett 06/09/2016	241:06-241:09	Sustain	Rules 801/802. Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Testimony regarding Filters "Killing People" is inflammatory and overly prejudicial.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).
DEF COUNTER	Baird, Brett 06/09/2016	241:10-241:21			
DEF COUNTER	Baird, Brett 06/09/2016	241:24-242:09	Override	FRE 602/702: The witness lacks personal knowledge or expert qualifications to offer testimony about what information Bard provides to FDA, or to testify that Bard and the FDA work "as a team" to decide what is done with that information.	
PL AFFIRM	Baird, Brett 06/09/2016	242:21-243:07	Override	Rules 801/802. Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not elicit hearsay because the testimony does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).
PL AFFIRM	Baird, Brett 06/09/2016	243:17-244:02 beginning "So you write..."	Override	Rules 801/802. Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not elicit hearsay under 801(d)(2) and because the testimony does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).
PL AFFIRM	Baird, Brett 06/09/2016	244:20-247:18	Override	Rules 801/802. Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not elicit hearsay under 801(d)(2) and because the testimony does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Baird, Brett 06/09/2016	248:02-248:07 beginning "So this..."	Overrule	Rules 801/802. Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).
DEF COUNTER	Baird, Brett 06/09/2016	248:08-249:11	Sustain	Objection to the inclusion of lines 249 8-11, consisting of a question without any answer.	
PL AFFIRM	Baird, Brett 06/09/2016	250:08-250:12	Overrule	Rules 801/802. Testimony is hearsay. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).
DEF COUNTER	Baird, Brett 06/09/2016	250:13-250:25	Overrule	FRE 402, 403: Testimony about SIR guidelines ought to be excluded for the reasons discussed in Plaintiff's omnibus motion in limine. FRE 602/702: The witness lacks personal knowledge or expert qualifications to testify about what information a manufacturer ought to consider in making a risk/benefit assessment regarding its product.	
PL AFFIRM	Baird, Brett 06/09/2016	260:02-260:15			
PL AFFIRM	Baird, Brett 06/09/2016	262:12-262:20			
PL AFFIRM	Baird, Brett 06/09/2016	263:07-264:20	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 401, 402, 403: The testimony is relevant to Bard's knowledge of the properties of its IVC filter line and the hazards of its filter designs which were incorporated in, and formed the basis or predicate for, the Eclipse filter at issue. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt and embedment. His filter is still implanted and he is at risk for fracture in the future. It presents no danger of unfair prejudice. FRE 801/802: The testimony in question does not consist of out-of-court statements offered for the truth of the matter; further, the testimony concerns a document admissible under exceptions to the hearsay rule, including FRE 803(6) and 803(18).
PL AFFIRM	Baird, Brett 06/09/2016	264:23-265:13			
DEF COUNTER	Baird, Brett 06/09/2016	265:14-266:24			
PL AFFIRM	Baird, Brett 06/09/2016	267:10-268:07			
PL AFFIRM	Baird, Brett 06/09/2016	268:10-268:11			
DEF COUNTER	Baird, Brett 06/09/2016	320:10-320:20			
PL AFFIRM	Baird, Brett 06/09/2016	323:07-323:13	Overrule	Rules 401, 402 & 403: Irrelevant and Unfairly prejudicial.	Testimony regarding payment from a party is relevant and goes toward the witnesses credibility.
DEF COUNTER	Baird, Brett 06/09/2016	324:07-324:22			
PL AFFIRM	Baird, Brett 06/09/2016	325:03-325:07	Overrule	Rules 401, 402 & 403: Irrelevant and Unfairly prejudicial.	Testimony regarding payment from a party is relevant and goes toward the witnesses credibility.
PL AFFIRM	Baird, Brett 06/09/2016	325:13-325:15	Overrule	Rules 401, 402 & 403: Irrelevant and Unfairly prejudicial. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment.	Testimony regarding payment from a party is relevant and goes toward the witnesses credibility.
PL AFFIRM	Baird, Brett 06/09/2016	325:18-325:20	Overrule	Rules 401, 402 & 403: Irrelevant and Unfairly prejudicial. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment.	Testimony regarding payment from a party is relevant and goes toward the witnesses credibility.
PL AFFIRM	Baird, Brett 06/09/2016	325:22-326:01	Overrule	Rules 401, 402 & 403: Irrelevant and Unfairly prejudicial. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment.	Testimony regarding payment from a party is relevant and goes toward the witnesses credibility.
DEF COUNTER	Baird, Brett 06/09/2016	326:02-326:13			
PL AFFIRM	Baird, Brett 06/09/2016	326:14-326:24	Overrule	Rules 401, 402 & 403: Irrelevant and Unfairly prejudicial. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment.	Testimony regarding payment from a party is relevant and goes toward the witnesses credibility.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Baird, Brett 06/09/2016	328:12-331:09 (end at "at Bard.")			
DEF COUNTER	Baird, Brett 06/09/2016	333:12-335:13			
DEF COUNTER	Baird, Brett 06/09/2016	335:17-336:01			
DEF COUNTER	Baird, Brett 06/09/2016	336:04-336:25			
DEF COUNTER	Baird, Brett 06/09/2016	338:17-339:16			
DEF COUNTER	Baird, Brett 06/09/2016	339:20-341:03	Override	FRE 402: testimony regarding the organization of Bard's sales force, and the number of representatives Bard had, is not relevant to any matter in issue; FRE 403: any nominal probative value of this testimony is outweighed by the danger of time-wasting and confusion of the issues	
DEF COUNTER	Baird, Brett 06/09/2016	341:05-341:16			
DEF COUNTER	Baird, Brett 06/09/2016	341:19-343:08	Override	(342:14-343:8): FRE 402/403 - testimony regarding advocacy guidelines should be excluded for the reasons explained in Plaintiff's omnibus motion in limine.	
DEF COUNTER	Baird, Brett 06/09/2016	346:05-348:15	Override	(342:14-343:8): FRE 402/403 - testimony regarding advocacy guidelines should be excluded for the reasons explained in Plaintiff's omnibus motion in limine.	
DEF COUNTER	Baird, Brett 06/09/2016	349:07-351:06			
DEF COUNTER	Baird, Brett 06/09/2016	351:09-355:06	Sustain	(354:25-355:6) FRE 402/403: Objection to testimony about lawyer advertising for the reasons discussed in Plaintiff's omnibus motion in limine.	
DEF COUNTER	Baird, Brett 06/09/2016	355:09-358:09	Override	(354:25-355:6) FRE 402/403: Objection to testimony about lawyer advertising for the reasons discussed in Plaintiff's omnibus motion in limine. (357-9-15): FRE 602: Witness lacks personal knowledge to testify about whether Bard took complications seriously, tracked and reported them.	
DEF COUNTER	Baird, Brett 06/09/2016	358:11			
DEF COUNTER	Baird, Brett 06/09/2016	366:21-367:16	Sustain	FRE 402/403: whether the witness is aware of any such correction is irrelevant to any matter at issue. further, the questions assume matters not in evidence. To the extent the questions imply that the correction is in some way pertinent to the witness's prior testimony, any probative value in the witness' answers to the questions is outweighed by the danger of confusion and unfair prejudice.	
DEF COUNTER	Baird, Brett 06/09/2016	368:07-369:02			
DEF COUNTER	Baird, Brett 06/09/2016	369:04-369:20			
DEF COUNTER	Baird, Brett 06/09/2016	369:23-370:17			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Carr, Robert 05/08/2007	5:04-5:08			
PL AFFIRM	Carr, Robert 05/08/2007	5:13-5:14			
PL AFFIRM	Carr, Robert 05/08/2007	5:25-6:01			
PL AFFIRM	Carr, Robert 05/08/2007	28:09-28:25			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Carr, Rob 10/25/2013	31:12-31:25			
PL AFFIRM	Carr, Rob 10/25/2013	32:02-32:07			
PL AFFIRM	Carr, Rob 10/25/2013	32:13-32:15			
DEF COUNTER	Carr, Rob 10/25/2013	32:16-33:05 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/25/2013	33:06-33:08			
PL AFFIRM	Carr, Rob 10/25/2013	33:15-33:25			
PL AFFIRM	Carr, Rob 10/25/2013	34:02-34:04			
PL AFFIRM	Carr, Rob 10/25/2013	34:10-34:13			
PL AFFIRM	Carr, Rob 10/25/2013	40:17-40:23			
PL AFFIRM	Carr, Rob 10/25/2013	47:19-47:25			
PL AFFIRM	Carr, Rob 10/25/2013	48:05-48:14			
PL AFFIRM	Carr, Rob 10/25/2013	51:16-51:19			
PL AFFIRM	Carr, Rob 10/25/2013	51:22-51:25			
PL AFFIRM	Carr, Rob 10/25/2013	52:02			
PL AFFIRM	Carr, Rob 10/25/2013	52:05-52:06			
PL AFFIRM	Carr, Rob 10/25/2013	57:12-57:14			
PL AFFIRM	Carr, Rob 10/25/2013	57:24-57:25			
PL AFFIRM	Carr, Rob 10/25/2013	58:02-58:03			
PL AFFIRM	Carr, Rob 10/25/2013	60:13-60:19			
PL AFFIRM	Carr, Rob 10/25/2013	70:15-70:25			
DEF COUNTER	Carr, Rob 10/25/2013	71:02-72:05 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/25/2013	76:20-76:25			
PL AFFIRM	Carr, Rob 10/25/2013	77:02-77:08			
PL AFFIRM	Carr, Rob 10/25/2013	90:07-90:09			
PL AFFIRM	Carr, Rob 10/25/2013	90:12-90:15			
DEF COUNTER	Carr, Rob 10/25/2013	90:16-90:21 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 10/25/2013	90:24-91:15 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/25/2013	97:22-97:25			
PL AFFIRM	Carr, Rob 10/25/2013	98:02-98:09			
PL AFFIRM	Carr, Rob 10/25/2013	104:07-104:22			
PL AFFIRM	Carr, Rob 10/25/2013	114:04-114:06			

Carr 10.25.13

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Carr, Rob 10/25/2013	114-07-115-02 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/25/2013	115-15-115-18			
DEF COUNTER	Carr, Rob 10/25/2013	115-19-115-21 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/25/2013	117-11-117-22			
DEF COUNTER	Carr, Rob 10/25/2013	118-11-118-25 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/25/2013	120-12-120-20		Rule 602-Witness does not have personal knowledge of the document. See 118:11-25 and 122:11-123:10	
PL AFFIRM	Carr, Rob 10/25/2013	120-23-120-25		Rule 602-Witness does not have personal knowledge of the document. See 118:11-25 and 122:11-123:10	The testimony of the witness establishes his knowledge under Rule 602.
PL AFFIRM	Carr, Rob 10/25/2013	121-02-121-04		Rule 602-Witness does not have personal knowledge of the document. See 118:11-25 and 122:11-123:10	The testimony of the witness establishes his knowledge under Rule 602.
PL AFFIRM	Carr, Rob 10/25/2013	121-13-121-21		Rule 602-Witness does not have personal knowledge of the document. See 118:11-25 and 122:11-123:10	The testimony of the witness establishes his knowledge under Rule 602.
PL AFFIRM	Carr, Rob 10/25/2013	122-07-122-10		Rule 602-Witness does not have personal knowledge of the document. See 118:11-25 and 122:11-123:10	The testimony of the witness establishes his knowledge under Rule 602.
DEF COUNTER	Carr, Rob 10/25/2013	122-16-123-10 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	The testimony of the witness establishes his knowledge under Rule 602.
PL AFFIRM	Carr, Rob 10/25/2013	123-11-123-24 ending with "different"		Rule 602-Witness does not have personal knowledge of the document. See 118:11-25 and 122:11-123:10	
PL AFFIRM	Carr, Rob 10/25/2013	125-24-125-25		Rule 602-Witness does not have personal knowledge of the document. See 118:11-25 and 122:11-123:10	The testimony of the witness establishes his knowledge under Rule 602.
PL AFFIRM	Carr, Rob 10/25/2013	126-02-126-25		Rule 602-Witness does not have personal knowledge of the document. See 118:11-25 and 122:11-123:10	The testimony of the witness establishes his knowledge under Rule 602.
PL AFFIRM	Carr, Rob 10/25/2013	127 02		Rule 602-Witness does not have personal knowledge of the document. See 118:11-25 and 122:11-123:10	The testimony of the witness establishes his knowledge under Rule 602.
DEF COUNTER	Carr, Rob 10/25/2013	149-14-149-18 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 10/25/2013	149-21-149-23 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 10/25/2013	150-02-150-11 For Completeness		FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/25/2013	150-12-150-15			
PL AFFIRM	Carr, Rob 10/25/2013	150-18-150-20			
PL AFFIRM	Carr, Rob 10/25/2013	165-02-165-04			
PL AFFIRM	Carr, Rob 10/25/2013	165 07			
PL AFFIRM	Carr, Rob 10/25/2013	193-05-193-25			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Carr, Rob 11/05/2013	33:21-34:10			
PL AFFIRM	Carr, Rob 11/05/2013	34:12-34:13			
PL AFFIRM	Carr, Rob 11/05/2013	37:08-37:10	Overrule	Rule 602-The witness does not have knowledge of the document. See, 38:1-2	Under FRE 602 his testimony establishes his knowledge of the content and substance of the document. As for the Court's MIL order and Defendants objections based on a lack of personal knowledge, Plaintiff would show that Mr. Carr was in charge of the Recovery filter for Bard from December 2002 until it was taken off the market. (Carr, 28:09- 28:24 - 05/08/2007). he remains employed at Bard and all of the information requested relates to Bard corporate documents related to IVC filter franchise and would fall within his scope of work. Thus, Mr. Carr plaintiff's counsel should be able to examined the witness regarding the contents of the documents and discuss his knowledge of events and data recorded in the corporate records.
PL AFFIRM	Carr, Rob 11/05/2013	37:16-37:24	Overrule	Rule 602-The witness does not have knowledge of the document. See, 38:1-2	Under FRE 602 his testimony establishes his knowledge of the content and substance of the document. In addition, as for the Court's MIL order and Defendants objections based on a lack of personal knowledge, Plaintiff would show that Mr. Carr was in charge of the Recovery filter for Bard from December 2002 until it was taken off the market. (Carr, 28:09- 28:24 - 05/08/2007). he remains employed at Bard and all of the information requested relates to Bard corporate documents related to IVC filter franchise and would fall within his scope of work. Thus, Mr. Carr plaintiff's counsel should be able to examined the witness regarding the contents of the documents and discuss his knowledge of events and data recorded in the corporate records.
DEF COUNTER	Carr, Rob 11/05/2013	38:01-38:02 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 11/05/2013	40:14-40:22		Rule 602-The witness does not have knowledge of the document. See, 38:1-2	Under FRE 602 his testimony establishes his knowledge of the content and substance of the document. In addition, as for the Court's MIL order and Defendants objections based on a lack of personal knowledge, Plaintiff would show that Mr. Carr was in charge of the Recovery filter for Bard from December 2002 until it was taken off the market. (Carr, 28:09- 28:24 - 05/08/2007). he remains employed at Bard and all of the information requested relates to Bard corporate documents related to IVC filter franchise and would fall within his scope of work. Thus, Mr. Carr plaintiff's counsel should be able to examined the witness regarding the contents of the documents and discuss his knowledge of events and data recorded in the corporate records.
PL AFFIRM	Carr, Rob 11/05/2013	41:11-41:15			
PL AFFIRM	Carr, Rob 11/05/2013	44:05-44:10			
DEF COUNTER	Carr, Rob 11/05/2013	47:05-47:09 For Completeness	Sustain	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 11/05/2013	54:14-54:23			
PL AFFIRM	Carr, Rob 11/05/2013	56:01-56:07			
PL AFFIRM	Carr, Rob 11/05/2013	56:09-56:10			
PL AFFIRM	Carr, Rob 11/05/2013	56:16-57:04			
PL AFFIRM	Carr, Rob 11/05/2013	58:11-58:23			
DEF COUNTER	Carr, Rob 11/05/2013	59:02-59:05 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 11/05/2013	59:07-59:09 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 11/05/2013	83:20-83:22			



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Carr, Rob 11/05/2013	83:24 Ending with "Yes."	Overrule	Incomplete answer.	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.
DEF COUNTER	Carr, Rob 11/05/2013	83:24 For Completeness	Sustain	Answer after "no" lacks personal knowledge and is speculative.	
PL AFFIRM	Carr, Rob 11/05/2013	87:24-88:03			
PL AFFIRM	Carr, Rob 11/05/2013	88:05			
DEF COUNTER	Carr, Rob 11/05/2013	88:07-88:08 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 11/05/2013	88:10-88:12 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 11/05/2013	113:08-113:14			
DEF COUNTER	Carr, Rob 11/05/2013	113:08-113:14 For Completeness	Sustain	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 11/05/2013	113:19-113:21 For Completeness	Sustain	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 11/05/2013	113:23-114:02 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 11/05/2013	114:04-114:05 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 11/05/2013	134:10-134:20			
PL AFFIRM	Carr, Rob 11/05/2013	134:23			
PL AFFIRM	Carr, Rob 11/05/2013	135:01-135:02			
PL AFFIRM	Carr, Rob 11/05/2013	135:07-135:08			
DEF COUNTER	Carr, Rob 11/05/2013	135:10-135:12 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 11/05/2013	135:14 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 11/05/2013	135:15-135:19	Overrule	Incomplete answer. Answer starts on 135:10-14	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.
PL AFFIRM	Carr, Rob 11/05/2013	135:21-135:22			
PL AFFIRM	Carr, Rob 11/05/2013	135:24-136:03			
PL AFFIRM	Carr, Rob 11/05/2013	151:08-151:18 Redact 151:12-13 "Serious risks to include death? Up to death, yes."	Sustain	Rule 401, 402 and 403-there is no failure to recall claim in this case.	The fact the Bard did not recall their defective filters goes to Plaintiff's failure to warn claim and shows Bard did not act as a reasonable medical device manufacturer in the same or similar circumstances.
PL AFFIRM	Carr, Rob 11/05/2013	151:20-151:22	Sustain	Rule 401, 402 and 403-there is no failure to recall claim in this case.	The fact the Bard did not recall their defective filters goes to Plaintiff's failure to warn claim and shows Bard did not act as a reasonable medical device manufacturer in the same or similar circumstances.
PL AFFIRM	Carr, Rob 11/05/2013	151:24-152:04	Sustain	Rule 401, 402 and 403-there is no failure to recall claim in this case.	The fact the Bard did not recall their defective filters goes to Plaintiff's failure to warn claim and shows Bard did not act as a reasonable medical device manufacturer in the same or similar circumstances.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Carr, Rob 11/05/2013	152:06-152:14	Sustain	Rule 401, 402 and 403-there is no failure to recall claim in this case.	The fact the Bard did not recall their defective filters goes to Plaintiff's failure to warn claim and shows Bard did not act as a reasonable medical device manufacturer in the same or similar circumstances.
PL AFFIRM	Carr, Rob 11/05/2013	152:16-152:24	Sustain		The fact the Bard did not recall their defective filters goes to Plaintiff's failure to warn claim and shows Bard did not act as a reasonable medical device manufacturer in the same or similar circumstances.
PL AFFIRM	Carr, Rob 11/05/2013	153:02	Sustain		The fact the Bard did not recall their defective filters goes to Plaintiff's failure to warn claim and shows Bard did not act as a reasonable medical device manufacturer in the same or similar circumstances.
PL AFFIRM	Carr, Rob 11/05/2013	191:16-191:22			
DEF COUNTER	Carr, Rob 11/05/2013	192:12-192:16 For Completeness	Overrule		
DEF COUNTER	Carr, Rob 11/05/2013	192:18-192:22 For Completeness	Overrule		
DEF COUNTER	Carr, Rob 11/05/2013	193:11-193:15 For Completeness	Overrule		
DEF COUNTER	Carr, Rob 11/05/2013	193:17-193:20 For Completeness	Overrule		
PL AFFIRM	Carr, Rob 11/05/2013	193:24-194:02			
PL AFFIRM	Carr, Rob 11/05/2013	194:05			
PL AFFIRM	Carr, Rob 11/05/2013	beginning with "We..." 265:09-265:13			
PL AFFIRM	Carr, Rob 11/05/2013	265:15-265:16			
DEF COUNTER	Carr, Rob 11/05/2013	265:18-266:03 For Completeness	Overrule		
PL AFFIRM	Carr, Rob 11/05/2013	268:05-268:06	Overrule		This document contains information that the witness should have known or had access to. In addition, under FRE 602 his testimony establishes his knowledge of the content and substance of the document. As for the Court's MIL order and Defendants objection based on a lack of personal knowledge, Plaintiff would show that Mr. Carr was deposed under FRCP 30(b)(6) and as a corporate representative he speaks for the corporation and is required to review sufficient documents and information to address the substance his testimony. "Notably, and because Rule 30(b)(6) explicitly requires a company to have persons testify on its behalf as to all matters reasonably available to it . . . the Rule 'implicitly requires persons to review all matters known or reasonably available to [the corporation] in preparation for the [Rule] 30(b)(6) deposition.' In other words, personal knowledge of the designated subject matter by the selected deponent is of no consequence." Bd. of Trs. of Leland Stanford Junior Univ. v. Tyco Int'l Lds, 253 F.R.D. 524, 526 (C.D. Ca. 2008)(citing Sprint Comm'n Co., L.P. v. TheGlobe.com, Inc., 236 F.R.D.524, 527-528 (D. Kan. 2006)). Thus, Mr. Carr can be required to testify from and based upon content of Bard corporate documents.
DEF COUNTER	Carr, Rob 11/05/2013	268:08-268:15 For Completeness	Overrule		

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Carr, Rob 11/05/2013	290:16-290:19	Overrule	Rule 602-Witness is not familiar with the document and has not seen it before. See, 268:8-15	This document contains information that the witness should have known or had access to. In addition, under FRE 602 his testimony establishes his knowledge of the content and substance of the document. As for the Court's MIL order and Defendants objection based on a lack of personal knowledge, Plaintiff would show that Mr. Carr was deposed under FRCP 30(b)(6) and as a corporate representative he speaks for the corporation and is required to review sufficient documents and information to address the substance his testimony. "Notably, and because Rule 30(b)(6) explicitly requires a company to have persons testify on its behalf as to all matters reasonably available to it, . . . the Rule 'implicitly requires persons to review all matters known or reasonably available to [the corporation] in preparation for the [Rule] 30(b)(6) deposition.' In other words, personal knowledge of the designated subject matter by the selected deponent is of no consequence." Bd. of Trs. of Leland Stanford Junior Univ. v. Tyco Int'l Ltds, 253 F.R.D. 524, 526 (C.D. Ca. 2008)citing Sprint Comm'n Co., L.P. v. TheGlobe.com, Inc., 236 F.R.D.524, 527-528 (D. Kan. 2006). Thus, Mr. Carr can be required to testify from and based upon content of Bard corporate documents.
PL AFFIRM	Carr, Rob 11/05/2013	290:21-290:22	Overrule	Rule 602-Witness is not familiar with the document and has not seen it before. See, 268:8-15	This document contains information that the witness should have known or had access to. In addition, under FRE 602 his testimony establishes his knowledge of the content and substance of the document. As for the Court's MIL order and Defendants objection based on a lack of personal knowledge, Plaintiff would show that Mr. Carr was deposed under FRCP 30(b)(6) and as a corporate representative he speaks for the corporation and is required to review sufficient documents and information to address the substance his testimony. "Notably, and because Rule 30(b)(6) explicitly requires a company to have persons testify on its behalf as to all matters reasonably available to it, . . . the Rule 'implicitly requires persons to review all matters known or reasonably available to [the corporation] in preparation for the [Rule] 30(b)(6) deposition.' In other words, personal knowledge of the designated subject matter by the selected deponent is of no consequence." Bd. of Trs. of Leland Stanford Junior Univ. v. Tyco Int'l Ltds, 253 F.R.D. 524, 526 (C.D. Ca. 2008)citing Sprint Comm'n Co., L.P. v. TheGlobe.com, Inc., 236 F.R.D.524, 527-528 (D. Kan. 2006). Thus, Mr. Carr can be required to testify from and based upon content of Bard corporate documents.
PL AFFIRM	Carr, Rob 11/05/2013	292:04-292:09	Overrule	Rule 602-Witness is not familiar with the document and has not seen it before. See, 268:8-15. This exhibit violates the MIL on Recovery migration death.	This document contains information that the witness should have known or had access to. In addition, under FRE 602 his testimony establishes his knowledge of the content and substance of the document. As for the Court's MIL order and Defendants objection based on a lack of personal knowledge, Plaintiff would show that Mr. Carr was deposed under FRCP 30(b)(6) and as a corporate representative he speaks for the corporation and is required to review sufficient documents and information to address the substance his testimony. "Notably, and because Rule 30(b)(6) explicitly requires a company to have persons testify on its behalf as to all matters reasonably available to it, . . . the Rule 'implicitly requires persons to review all matters known or reasonably available to [the corporation] in preparation for the [Rule] 30(b)(6) deposition.' In other words, personal knowledge of the designated subject matter by the selected deponent is of no consequence." Bd. of Trs. of Leland Stanford Junior Univ. v. Tyco Int'l Ltds, 253 F.R.D. 524, 526 (C.D. Ca. 2008)citing Sprint Comm'n Co., L.P. v. TheGlobe.com, Inc., 236 F.R.D.524, 527-528 (D. Kan. 2006). Thus, Mr. Carr can be required to testify from and based upon content of Bard corporate documents.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Carr, Rob 11/05/2013	292:11	Overrule	Rule 602-Witness is not familiar with the document and has not seen it before. See, 268:8-15	This document contains information that the witness should have known or had access to. In addition, under FRE 602 his testimony establishes his knowledge of the content and substance of the document. As for the Court's MIL order and Defendants objection based on a lack of personal knowledge, Plaintiff would show that Mr. Carr was deposed under FRCP 30(b)(6) and as a corporate representative he speaks for the corporation and is required to review sufficient documents and information to address the substance his testimony. "Notably, and because Rule 30(b)(6) explicitly requires a company to have persons testify on its behalf as to all matters reasonably available to it, . . . the Rule 'implicitly requires persons to review all matters known or reasonably available to [the corporation] in preparation for the [Rule] 30(b)(6) deposition.' In other words, personal knowledge of the designated subject matter by the selected deponent is of no consequence." Bd. of Trs. of Leland Stanford Junior Univ. v. Tyco Int'l's Ltds, 253 F.R.D. 524, 526 (C.D. Ca. 2008)(citing Sprint Comm'n Co., L.P. v. TheGlobe.com, Inc., 236 F.R.D.524, 527-528 (D. Kan. 2006). Thus, Mr. Carr can be required to testify from and based upon content of Bard corporate documents.
PL AFFIRM	Carr, Rob 11/05/2013	293:04-293:20 beginning with "And did you..." Redact "death" (293:9), and "and filter embolization deaths" /293-11-12/293-19-20			
PL AFFIRM	Carr, Rob 11/05/2013	293:22-293:24			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL BLANKET OBJECTION					Running response to defense objections regarding lack of personal knowledge and to the Court's MIL order. Plaintiff would show that Mr. Carr was deposed under FRCP 30(b)(6) and as a corporate representative he speaks for the corporation and is required to review sufficient documents and information to address the substance his testimony. "Notably, and because Rule 30(b)(6) explicitly requires a company to have persons testify on its behalf as to all matters reasonably available to it, . . . the Rule 'implicitly requires persons to review all matters known or reasonably available to [the corporation] in preparation for the [Rule] 30(b)(6) deposition.' In other words, personal knowledge of the designated subject matter by the selected deponent is of no consequence." <i>Bd. of Trs. of Leland Stanford Junior Univ. v. Tyco Int'l Ltd</i> , 253 F.R.D. 524, 526 (C.D. Ca. 2008) citing <i>Spring Comm'n Co., L.P. v. TheGlobe.com, Inc.</i> , 236 F.R.D.524, 527-528 (D. Kan. 2006). Thus, Mr. Carr can be required to testify from and based upon content of Bard corporate documents.
PL AFFIRM	Carr, Rob 10/29/2014	32:02-32:04	Overrule	Rule 611 compound question. Rule 611 assumes facts not in evidence. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case. Irrelevant and any probative value outweighed by prejudicial effect. The question is vague and misleading, as it is not clear from the designation what brochure is being discussed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the failure to warn of the substantial risk of fracture, migration and death associated with the Eclipse rendered the Eclipse <del>unreasonably dangerous</del> .
PL AFFIRM	Carr, Rob 10/29/2014	32:07-32:08		Rule 611 compound question. Rule 611 assumes facts not in evidence. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case. Irrelevant and any probative value outweighed by prejudicial effect. The question is vague and misleading, as it is not clear from the designation what brochure is being discussed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the failure to warn of the substantial risk of fracture, migration and death associated with the Eclipse rendered the Eclipse <del>unreasonably dangerous</del> .
DEF COUNTER	Carr, Rob 10/29/2014	32:10-32:19 For Completeness	Sustain	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/29/2014	74:24-75:06			
DEF COUNTER	Carr, Rob 10/29/2014	75:07-75:09 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 10/29/2014	75:12 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/29/2014	78:15-78:23	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the failure to warn of the substantial risk of fracture, migration and death associated with the Eclipse rendered the Eclipse <del>unreasonably dangerous</del> .
PL AFFIRM	Carr, Rob 10/29/2014	79:14-79:16			
PL AFFIRM	Carr, Rob 10/29/2014	79:20-80:03			
DEF COUNTER	Carr, Rob 10/29/2014	80:04-80:06 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 10/29/2014	80:10-80:13 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/29/2014	82:07-82:18			
PL AFFIRM	Carr, Rob 10/29/2014	82:22-82:23			
PL AFFIRM	Carr, Rob 10/29/2014	83:02-83:03			
PL AFFIRM	Carr, Rob 10/29/2014	83:05-83:06			
PL AFFIRM	Carr, Rob 10/29/2014	83:08-83:11			
PL AFFIRM	Carr, Rob 10/29/2014	83:14-83:18			
Carr 10/29/14	10/29/2014				

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Carr, Rob 10/29/2014	83:21			
PL AFFIRM	Carr, Rob 10/29/2014	83:23-83:24			
PL AFFIRM	Carr, Rob 10/29/2014	84:02			
PL AFFIRM	Carr, Rob 10/29/2014	84:04-84:08			
PL AFFIRM	Carr, Rob 10/29/2014	84:11			
PL AFFIRM	Carr, Rob 10/29/2014	84:13-84:14			
PL AFFIRM	Carr, Rob 10/29/2014	84:17			
PL AFFIRM	Carr, Rob 10/29/2014	84:19-84:20			
PL AFFIRM	Carr, Rob 10/29/2014	84:22-85:01			
PL AFFIRM	Carr, Rob 10/29/2014	85:04			
PL AFFIRM	Carr, Rob 10/29/2014	86:11-87:02			
PL AFFIRM	Carr, Rob 10/29/2014	113:22-114:01			
PL AFFIRM	Carr, Rob 10/29/2014	114:04-114:05			
PL AFFIRM	Carr, Rob 10/29/2014	132:11-132:22			
PL AFFIRM	Carr, Rob 10/29/2014	133:02			
PL AFFIRM	Carr, Rob 10/29/2014	133:05-133:08			
PL AFFIRM	Carr, Rob 10/29/2014	134:07-134:18			
DEF COUNTER	Carr, Rob 10/29/2014	134:19-135:03 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 10/29/2014	135:08-135:12 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Carr, Rob 10/29/2014	161:21-162:02			
DEF COUNTER	Carr, Rob 10/29/2014	164:13-164:14 For Completeness Subject to objection	Sustain	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Carr, Rob 10/29/2014	166:20-166:24 For Completeness	Sustain	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	12:01-12:17			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	12:24-13:03			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	14:07-14:23 Ending with "That s correct"			
DEF COUNTER	Chanduszko, Andrzej 09/22/2010	14:23-15:01			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	20:11-22:24			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	29:24-30:16			
DEF COUNTER	Chanduszko, Andrzej 09/22/2010	30:17-30:25			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	31:23-32:15			
DEF COUNTER	Chanduszko, Andrzej 09/22/2010	32:16-32:23			
DEF COUNTER	Chanduszko, Andrzej 09/22/2010	35:12-35:16			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	56:09-56:20			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	84:04-84:20			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	85:07-85:23			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	86:05-86:10			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	86:23-87:06			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	87:11-87:15 Starting at "Is"			
PL AFFIRM	Chanduszko, Andrzej 09/22/2010	92:22-93:11			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	10:06-10:07			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	14:25-15:19			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	19:25-20:05			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	27:12-27:20			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	27:21-27:25			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	31:17-31:21	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 27:12-27:20).	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	31:23	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 32:16-32:19 and 32:22-32:23).	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	31:25	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 32:16-32:19 and 32:22-32:23).	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	32:16-32:19			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	32:22-32:23			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	34:11-34:13	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 32:16-32:19 and 32:22-32:23).	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	34:14-35:11			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	35:16-35:18			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	35:20-35:24			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	36:03-36:04	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 32:19 and 32:22-32:23). Subject to the Court's ruling on Plaintiff's objections this testimony would also be cumulative of Bard's offer of 31:17 - 31:21 31:23 & 31:23	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	36:05-36:09			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	38:21-40:13			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	43:07-44:03			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	44:17-45:13			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	45:21-46:01 Ending with "Yes, that's correct".			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	46:07-46:08			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	46:17-47:07			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	48:11-48:14			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	51:14-51:20 Ending with "then you couldn't."			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	51:20-51:22	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 36:5-36:9).	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	51:23-52:07			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	60:16-60:20			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	60:25-61:06 Starting with "when you . . ."			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	68:03-68:05			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	68:07			
Chanduszko, Andrzej 10/10/2013	Chanduszko, Andrzej 10/10/2013				



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	68:13-68:15			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	68:17-68:20			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	68:22-68:24			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	69:01			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	69:05-69:06	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 68:3 - 68:5, 68:7, 68:22 - 68: 24 & 69:1) and Bards' offer of 68:13 - 68:15 & 68:17 - 68:20.	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	69:08-69:09	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 68:3 - 68:5, 68:7, 68:22 - 68: 24 & 69:1) and Bards' offer of 68:13 - 68:15 & 68:17 - 68:20.	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	70:13-70:19			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	70:21-71:06			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	71:07-71:14	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 71:1-71:6, 71:15-71:16, 71:19-71:24).	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	71:15-71:16			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	71:19			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	71:21-71:24			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	73:02-73:08			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	73:13-74:25			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	75:13-75:23	Override	Plaintiff objects under Rule 611(b) as the testimony goes beyond the scope of direct examination. The Plaintiff also objects under Rule 403 as the limited probative value of the testimony, if any, is outweighed by the danger of unfair prejudice, confusing the issues and misleading the jury. See, 76:20 -76:25. Plaintiff objects under Rule 602 the witness states he does not have the personal knowledge necessary to answer the question. See 76:4 - 76:8. The testimony is	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	76:13-76:22	Override	Plaintiff objects under Rule 611(b) as the testimony goes beyond the scope of direct examination and Rule 602 as the witness lacks personal knowledge. See 76:4 - 76:8. The Plaintiff also objects under Rule 403 as the limited probative value of the testimony, if any, is outweighed by the danger of unfair prejudice, confusing the issues and misleading the jury. See, 76:20 -76:25. The testimony is	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	81:02			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	81:04-81:15			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	82:01-82:07			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	82:21-83:03			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	83:17-83:22			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	84:15-84:20			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	84:22-84:23			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	84:25-85:08	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 85:15 - 84:20, 84:22 - 84:23, 85:14 - 85:16 & 85:19 - 86:2).	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	85:11-85:16			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	85:19-86:02			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	90:07-90:21			

Chanduszko 10.10.13

DESIGNEE DEF COUNTER	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	90:23-90:25			
	Chanduszko, Andrzej 10/10/2013	111:08	Override	(Exhibit 4 and testimony) Rules 601 & 602. Lack of foundation. Witness cannot verify he has seen the exhibit. (see 111:18) This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The Recovery is the predicate device of the G2/G2X/Eclipse and information about the Recovery is relevant to the claims in this case. The witness was the project leader for the redesign of the Recovery filter. (34:14 - 35:1). Exhibit 4 is Bard's 510(k) submission for the Recovery filter. (111:21 - 112:5) and as such the information in the document is or should be within the knowledge of the witness. He does not have to have a recollection of reading the document the past to be examined about facts or information recorded in the document that are within his area knowledge or the which would be related to scope of his work for Bard. There is nothing in the rules of civil procedure that prevents a defendant's employee from being shown an exhibit and asked about its contents.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	111:16-111:18			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	111:21-112:05	Override	(Exhibit 4 and testimony) Rules 601 & 602. Lack of foundation. Witness cannot verify he has seen the exhibit. (see 111:18) This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. In addition not all of the testimony is based upon the Exhibit. The question at 112:3 - 112:5 is directed to the witness' personal knowledge.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	112:10-112:12	Override	(Exhibit 4 and testimony) Rules 601 & 602. Lack of foundation. Witness cannot verify he has seen the exhibit. (see 111:18) This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. In addition the testimony is not based upon the Exhibit. The testimony is based on the witness' personal knowledge.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	117:20-118:05	Override	(Exhibit 4 and testimony) Rules 601 & 602. Lack of foundation. Witness cannot verify he has seen the exhibit. (see 111:18) This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The offer ends at 118:5. Plaintiff adopts and incorporates his response to objections to 111:8.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	118:21-119:19	Override	(Exhibit 4 and testimony) Rules 601 & 602. Lack of foundation. Witness cannot verify he has seen the exhibit. (see 111:18) This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. In addition not all of the testimony is based upon the Exhibit. The questions and answers at 119:1 - 119:19 are based on the witness' personal knowledge.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	120:13-120:25 Ending with "about Bard"			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	120:25-121:03 begin with "Bard did"	Override	The Plaintiff objects to 120:25 - 121:1 specifically "Bard did not develop the filter," as that portion of the response is not responsive and under Rule 403 the testimony is outweighed by the danger of unfair prejudice, confusing the issues and misleading the jury. See 76:20-76:25	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	121:07-121:11			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	121:21-121:25	Override	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 430. Distention is irrelevant to plaintiff's claims of fracture, perforation and tilt. Irrelevant and any probative value outweighed by prejudicial effect, particularly with punitive damages dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the G2X filter and are relevant to whether the G2X has a design defect. Fracture, migration, perforation and death are also dangers of the G2X filter that were known to Bard, and they failure to warn of the substantial risk of fracture, migration, perforation and death associated with the Recovery rendered the Recovery unreasonably dangerous. The witness' testimony is that he was involved in investigating why the Recovery filter migrated.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	122:19-122:23	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known were known to Bard, an they failure to warn of the substantial risk of fracture, migration, perforation and death associated with the Recovery rendered the Recovery unreasonably dangerous. The witness' testimony is that he was involved in investigating why the Recovery filter migrated.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	125:02-125:15	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates her response to objections to 122:19-122:23. In addition testimony from the Project Leader for the redesign of the Recovery filter whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) that Bard never reached a conclusion as to what was causing migration is relevant to the Plaintiff claims of negligence, defective design.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	126:09-127:20 Ending with "Yes."	Overrule	(126:9-126:19)-Nonsensical. There is no question pending and statement from non-questioning counsel. Defendants object to the designation of an answer without a question. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff amends the designation to include 126:3-126:9. The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known were known to Bard, an they failure to warn of the substantial risk of fracture, migration, perforation and death associated with the Recovery rendered the Recovery unreasonably dangerous. The witness' testimony is that he was involved in investigating why the Recovery filter migrated.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	127:20-127:21	Overrule	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct. (See 127:16 – 127:20 ending with "Yes.")	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	128:08-128:11 (subject to prior objections)			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	129:11-129:14	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates her response to objections to 122:19-122:23 and 125:2-125:15. In addition the testimony is related to the recovery filter and testimony from the Project Leader for the redesign of the Recovery whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) that he has no recollection any individual working on determining what was causing the filter to migrate is relevant to the Plaintiff claims of negligence.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	129:23-130:04	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 122:19-122:23.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	130:20-130:22	Overrule	The Plaintiff objects under Rule 403 as the limited probative value of the testimony, if any, is outweighed by the danger of unfair prejudice, confusing the issues and misleading the jury. See 76:20-76:25.	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	132:05-132:11 Ending with "right word"	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	132:10-132:22	Sustain. Plaintiff shall withdraw 132:10-11.	The Plaintiff objects under Rule 403 as because the testimony presents a danger of confusing the issues and misleading the jury. To resolve any dispute regarding the testimony the Plaintiff will withdraw 132:10 - 132:11 from his designation.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	132:23-133:17	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	133:18-134:09	Overrule	The Plaintiff objects under Rule 403 as the limited probative value of the testimony, if any, is outweighed by the danger of unfair prejudice, confusing the issues and misleading the jury. Plaintiff also objects under Rule 602 as the witness lacks personal knowledge of the events he is testifying about. (See 134.6 - 134.9)	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	134:12-134:15	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	140:15-140:19			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	141:19-141:25	Overrule	The Plaintiff objects under Rule 403 as the limited probative value of the testimony, if any, is outweighed by the danger of unfair prejudice, confusing the issues and misleading the jury. Plaintiff also objects under Rule 602 as the witness lacks personal knowledge of the events he is testifying about. (See 141.21 - 141.25). The witness' testimony constitutes hearsay and hearsay within	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	150:24-152:09	Overrule	Lack of foundation. Assumes facts not in evidence. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	153:06-153:12	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	153:13-153:15	Sustain	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 153.8 - 153.12)	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	159:08-159:13	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	159:14-159:16	Overrule	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (See 159.8 - 159.13).	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	159:24-160:03	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	163:14-163:22	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	163:25-164:01	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	164:03-164:06	Overrule	Plaintiff objects under Rule 602 the witness states he does not have the personal knowledge necessary to answer the question. The Plaintiff also objects under Rule 403 as the limited probative value of the testimony, if any, is outweighed by the danger of unfair prejudice, confusing the issues and misleading the jury.	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	164:08-164:12	Overrule	Plaintiff adopts and incorporates his objections to 164:3 – 164:6.	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	164:14-164:17	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	164:19-164:20	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	170:22-170:23	Overrule	Plaintiff objects under Rule 602 the witness states he does not have the personal knowledge necessary to answer the question.	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	171:01-171:04	Overrule	Plaintiff objects under Rule 602 the witness states he does not have the personal knowledge necessary to answer the question.	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	171:06-171:13	Overrule	Plaintiff objects under Rule 602 the witness states he does not have the personal knowledge necessary to answer the question.	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	171:23-172:02	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	172:03-172:07	Sustain	Plaintiff objects under Rule 602 the witness states he does not have the personal knowledge necessary to answer the question.	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	172:10-172:12	Sustain	Plaintiff objects under Rule 602 the witness states he does not have the personal knowledge necessary to answer the question.	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	172:14-172:19	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	175:23-176:07	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	183:13-184:02 Starting with "But did Bard"			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	184:04			

DESIGNEE DEF COUNTER	DEPONENT Chanduszko, Andrzej 10/10/2013	DESIGNATIONS 184:06-184:13	RULING Sustain	OBJECTION The Plaintiff objects under Rule 403 as the limited probative value of the testimony, if any, is outweighed by the danger of unfair prejudice, confusing the issues and misleading the jury. The testimony misstates the nature of the testing that is being discussed in the context of the deposition specifically the witness is asked if Bard tested for stresses placed on a tilted filter, the witness says yes but then admits the testing he referred to would not examine the stress exerted on a tilted filter. See 184:7 - 184:20.	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	190:20-191:07	Override	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	191:08-192:06			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	196:15	Sustain	(Exhibit 6 and testimony) Rules 601 & 602. Lack of foundation. Witness is not familiar with the document (see 196:17-20). This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	196:17-196:20			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	196:24-197:03 Starting with "So let's"	Sustain	(Exhibit 6 and testimony) Rules 601 & 602. Lack of foundation. Witness is not familiar with the document (see 196:17-20). This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect. The Exhibit relates to information regarding the project to redesign the Recovery and the witness was the project lead. Plaintiff can use the exhibit to discuss the matters raised by his superiors regarding the scope of the work, specifications, the environment the redesigned filter will be exposed to, and specifically the migration resistance testing thought necessary for the project.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	197:19-198:08 Starting with "So let's"	Sustain	(Exhibit 6 and testimony) Rules 601 & 602. Lack of foundation. Witness is not familiar with the document (see 196:17-20). This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 196:24 - 197:3. The testimony at 198:1 -198:8 is based upon the witness' personal knowledge.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	198:25-199:11	Sustain	(Exhibit 6 and testimony) Rules 601 & 602. Lack of foundation. Witness is not familiar with the document (see 196:17-20). This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 196:24 - 197:3.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	199:12-199:17	Sustain	Plaintiff objects under Rule 602 the witness does not have the personal knowledge necessary to speculate as to the state of mind of another person. The Plaintiff objects under Rule 403 as the limited probative value of the testimony, if any, is outweighed by the danger of unfair prejudice, confusing the issues and misleading the jury.	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	199:22-199:24	Sustain	(Exhibit 6 and testimony) Rules 601 & 602. Lack of foundation. Witness is not familiar with the document (see 196:17-20). This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 196:24 - 197:3.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	199:25-200:06	Sustain	Plaintiff objects under Rule 602 the witness does not have the personal knowledge necessary to speculate as to the state of mind of another person. The Plaintiff objects under Rule 403 as the limited probative value of the testimony, if any, is outweighed by the danger of unfair prejudice, confusing the issues and misleading the jury.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	200:18-200:21	Sustain	(Exhibit 6 and testimony) Rules 601 & 602. Lack of foundation. Witness is not familiar with the document (see 196:17-20). This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 196:24 - 197:3. The testimony is based upon the witness' personal knowledge without reference a specific document.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	200:22-200:25	Override	Plaintiff objects under Rule 602 the witness states he does not have the personal knowledge necessary to answer the question.	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	201:02-201:08	Override	Plaintiff objects under Rule 602 the witness states he does not have the personal knowledge necessary to answer the question.	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	201:10-201:17	Sustain	(Exhibit 6 and testimony) Rules 601 & 602. Lack of foundation. Witness is not familiar with the document (see 196:17-20). This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 196:24 - 197:3. The testimony is based upon the witness' personal knowledge without reference a specific document.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	201:19-201:20	Sustain	(Exhibit 6 and testimony) Rules 601 & 602. Lack of foundation. Witness is not familiar with the document (see 196:17-20). This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 196:24 - 197:3. The testimony is based upon the witness' personal knowledge without reference a specific document.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	201:22-201:25			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	204:21-205:04	Sustain	Rules 601, 602 & 612. Lack of foundation. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 196:24 - 197:3. The testimony is based upon the witness' personal knowledge.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	206:03-206:09	Sustain	Rules 601, 602 & 612. Lack of foundation. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the Eclipse filter and are relevant to whether the Eclipse has a design defect.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	207:12-207:13	Sustain	Rules 601, 602 & 612. Lack of foundation. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111.8. The witness was the project leader for the redesign of the Recovery filter (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry relates to migration of the Recovery filter and is or should be within the knowledge of the witness.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	208:06-208:11			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	209:01-209:03	Override	Plaintiff objects under Rule 403 as the testimony is needlessly cumulative of prior testimony and is wasting time. The same testimony is presented by Plaintiff on direct (see 209:17 - 209:20)	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	226:01-226:20	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111.8. The witness was the project leader for the redesign of the Recovery filter (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry relates to fatal migration of the Recovery filter and is or should be within the knowledge of the witness. Plaintiff will agree to add line 9 to complete the response.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	227:07-227:09	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111.8. The witness was the project leader for the redesign of the Recovery filter (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry relates to fatal migration of the Recovery filter and is or should be within the knowledge of the witness. Plaintiff will agree to add line 9 to complete the response.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	227:13-227:22	Override	This document relates to cephalad migration of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. The witness was the project leader for the redesign of the Recovery filter (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry relates to fatal migration of the Recovery filter and is or should be within the knowledge of the witness. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	228:01-228:11	Override	This document relates to cephalad migration of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. The witness was the project leader for the redesign of the Recovery filter (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry relates to fatal migration of the Recovery filter and is or should be within the knowledge of the witness. Plaintiff will agree to add line 9 to complete the response.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	229:04-229:10	Override	This document relates to cephalad migration of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. The witness was the project leader for the redesign of the Recovery filter (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry relates to fatal migration of the Recovery filter and is or should be within the knowledge of the witness. Plaintiff will agree to add line 9 to complete the response.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	229:24-231:10	Override	This document relates to cephalad migration of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. The witness was the project leader for the redesign of the Recovery filter (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry relates to fatal migration of the Recovery filter and is or should be within the knowledge of the witness. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	231:20-232:01	Override	This document relates to cephalad migration of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. The witness was the project leader for the redesign of the Recovery filter (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry relates to fatal migration of the Recovery filter and is or should be within the knowledge of the witness. Plaintiff will agree to add line 9 to complete the response.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	234:23-235:11	Override	This document relates to cephalad migration of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. The witness was the project leader for the redesign of the Recovery filter (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry relates to fatal migration of the Recovery filter and is or should be within the knowledge of the witness. Plaintiff will agree to add line 9 to complete the response.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	235:16-236:04	Sustain	Plaintiff objects under Rule 602 as the witness states he does not have the personal knowledge necessary to support his testimony. The witness states he did not do the testing that is being discussed and he bases his testimony upon hearsay from unidentified declarants and he cannot identify any contemporary documents that support his recollections. The testimony includes hearsay under Rules 801(c) and 802. Plaintiff objects under Rule 701 as the testimony exceeds the scope of opinions permitted from a lay witness.	



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	236:08-236:16	Overrule	This document relates to cephalad migration of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. The witness was the project leader for the redesign of the Recovery filter (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry relates to fatal migration of the Recovery filter and is or should be within the knowledge of the witness. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	236:25-237:14	Overrule	Plaintiff adopts and incorporates by reference his objections to 235:16 - 236:4. (Exhibit 11 and testimony) Rules 601, 602 & 612. No foundation. Witness not familiar with exhibit. (see 248:15-248:17) This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Plaintiff adopts and incorporates his response to objections to 111:8. The witness was the project leader for the redesign of the Recovery filter. (34:14 - 35:1) whose goal was to make the filter more migration resistant (34:14-35:1 and 35:16-35:24) the information that is the subject of the inquiry from is or should be within the knowledge of the witness. Exhibit 11 is the System Design Verification & Validation Test Report for G1A Recovery which is the redesigned Recovery filter which included migration resistance, fatigue and radial strength testing.
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	248:15-248:17			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	249:09-249:16	Overrule	Rules 601/602 & 612 Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The G2 and Recovery is the predicate devices of the G2, G2X, and Eclipse and information about the G2 and Recovery is relevant to the claims in this case. The witness was the project leader for the redesign of the Recovery filter. (34:14 - 35:1). Exhibit 4 is Bard's 510(k) submission for the Recovery filter. (111:21 - 112:5) and as such the information in the document is or should be within the knowledge of the witness. He does not have to have a recollection of reading the document the past to be examined about facts or information recorded in the document that are within his area knowledge or the which would be related to scope of his work for Bard. There is nothing in the rules of civil procedure that prevents a defendant's employee from being shown an exhibit and asked about its contents.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	250:08-251:03	Sustain	Rules 601/602 & 612 Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or the failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The G2 and Recovery is the predicate devices of the G2, G2X, and Eclipse and information about the G2 and Recovery is relevant to the claims in this case. The witness was the project leader for the redesign of the Recovery filter. (34:14 - 35:1). Exhibit 4 is Bard's 510(k) submission for the Recovery filter. (111:21 - 112:5) and as such the information in the document is or should be within the knowledge of the witness. He does not have to have a recollection of reading the document the past to be examined about facts or information recorded in the document that are within his area knowledge or the which would be related to scope of his work for Bard. There is nothing in the rules of civil procedure that prevents a defendant's employee from being shown an exhibit and asked about its contents.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	252:09-252:20			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	253:16-253:25	Overrule	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the G2X filter and are relevant to whether the G2X has a design defect. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM Chanduszko	Chanduszko, Andrzej 10/10/2013	254:11-254:22			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	256:04-256:10	Override	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the G2X filter and are relevant to whether the G2X has a design defect.
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	256:21-256:23			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	261:10-261:18			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	261:18-261:22	Sustain	Plaintiff objects under Rule 701 as the testimony exceeds the scope of opinions permitted from a lay witness.	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	261:25-262:03	Sustain	Plaintiff objects under Rule 701 as the testimony exceeds the scope of opinions permitted from a lay witness.	
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	262:05-262:09	Sustain	Plaintiff objects under Rule 701 as the testimony exceeds the scope of opinions permitted from a lay witness.	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	262:18-263:04 Starting with "what did..."			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	263:05-263:17	Sustain	Plaintiff objects under Rule 701 as the testimony exceeds the scope of opinions permitted from a lay witness.	
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	267:01-267:08			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	268:11-268:14 Starting with "The arc"			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	268:18			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	268:23-270:06 Ending with "Correct"			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	270:06-270:08			
DEF COUNTER	Chanduszko, Andrzej 10/10/2013	270:10			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	270:11-270:16			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	271:16-271:25			
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	275:16-276:14	Override	This testimony relates to cephalad migration in the Recovery filter, which is not an issue in this case.	The testimony involves the Recovery filter, the predicate device for the G2. Plaintiff is at significant risk of fracture o due to the perforation of her filter which is supported by Plaintiff's expert Dr. McMeeking. Plaintiff's experts, treating physicians and medical records establish that the filter perforated her IVC. Fracture, migration, perforation and death are risks involved in the use of the G2X filter and are relevant to whether the G2X has a design defect. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Chanduszko, Andrzej 10/10/2013	279:02-279:08			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL BLANKET OBJECTION				The trial deposition of Andrzej J. Chandusko was suspended by agreement with intention to complete the deposition at a later date. Defendants completed their direct examination of Mr. Chandusko and all that remains in Plaintiff's cross-examination. The deposition is scheduled to resume on April 29, 2020. Plaintiff reserve the right to further designate testimony completion of the deposition.	
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	6:19-6:25			
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	7:05-13:03	Overrule	10:18-11:2 - FRE 401 & 402-Relevance -the fact Mr. Chandusko is named a patent holder on several unidentified patents is not relevant. 12:20-13:3 - FRE 702& FRCP 26(a)(2)(C)-Lack of foundation. Mr. Chandusko states he is a mechanical engineer and has been designated as non-retained engineering expert. The question asks for the definition of medical term. Mr. Chandusko is not a medical doctor.	Mr. Chandusko's background and work experience are relevant. He is not offering an medical opinion, but is explaining the condition filers treat.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	13:12-14:04	Overrule	FRE 702 & FRCP 26(a)(2)(C)-Lack of foundation. Mr. Chandusko states he is a mechanical engineer and has been designated as non-retained engineering expert. Mr. Chandusko is not a medical doctor.	He is not offering an medical opinion, but is explaining the condition filers treat.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	14:08-14:16	Overrule	Lack of foundation. FRE 701 & FRCP 26(a)(2)(C)-Mr. Chandusko states he is a mechanical engineer and has been designated as non-retained engineering expert. Mr. Chandusko is not a medical doctor.	No objection made at time of testimony - relevant to plaintiff's design claims
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	14:19-15:01	Overrule	Lack of foundation. FRE 701 & FRCP 26(a)(2)(C)-Mr. Chandusko states he is a mechanical engineer and has been designated as non-retained engineering expert. Mr. Chandusko is not a medical doctor.	Explains witness involvement and knowledge base
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	15:05-15:07			Explains witness involvement and knowledge base
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	15:10			
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	15:12-16:06	Overrule	FRE 401, & 402 Relevance and FRE 403 - the witness testifies that he does not have "first hand knowledge" of what Bard verified regarding NMT's work but attest that he does now about NMT's work and he had confidence in it. The testimony is vague and confusing	Explains witness involvement and knowledge base
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	16:08-18:17	Overrule	18:15-18:17 - FRE 401, 402 -Vague and irrelevant - generic testimony as to post market conduct is not relevant.	Explains witness knowledge and Bard's process for designing a filter.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	18:19-20:03	Overrule	19:24-20:3: FRE 401, 402 -Vague and irrelevant - generic testimony as to post market conduct not specific Bard's IVC filters or any IVC filter is not relevant.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	20:07-20:09	Overrule	FRE 410, 402, & 611(c) - leading and lacks proper foundation. There is no testimony that the witness has studied "all" IVC filters.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	20:12-20:21	Overrule	FRE 611(c)-leading	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	20:24-21:13	Overrule	21:11-21:13 - FRE 611(c)-leading	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	21:16-22:21	Overrule	21:16-21:20 Lack of foundation. Mr. Chandusko has not established a proper basis for his statement as to what knowledge of others at Bard possessed.	
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	23:05-23:09			
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	23:12-23:18			
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	24:02-27:09			This is not a narrative.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	27:16-28:09 starting with "in"			Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	28:14-29:18			
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	29:23-31:07			No lack of foundation - he is describing a document about which he has knowledge.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	31:17-34:03			
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	34:13-34:15	Overrule	FRE 611(c)-leading	Question is not leading. Question does not suggest the answer. A law witness can give an opinion about a matter about which he has knowledge.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	34:17-34:23	Overrule	FRE 611(c)-leading	
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	35:02-35:13			
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	35:16-36:09	Overrule	36:6-36:09 - Responsiveness - thew witness was asked to identify "other goals" and he does not answer that specific question.	The testimony is responsive to the question.
DEF AFFIRM	Chandusko, Andrzej 11/06/2020	36:12-37:06			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	37:15-37:19			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	38:02-38:04			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	38:06-38:08	Overrule	Responsiveness - the witness was asked how long it took to develop the G2 filter and he did not answer that question.	The testimony is responsive to the question.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	38:11-39:06	Overrule	Responsiveness - the witness what activity or event took the most time in developing an IVC filter such as the G2 - everything after "it depends on the filter" is non-responsive.	The testimony is responsive to the question.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	39:16-39:20	Overrule	The question is compound its asks for a response as to what work is in performed before the prototype is developed or after the prototype is developed leaving the witness the option to answer either question.	The question is not compound.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	39:24-40:17			The witnesses is explaining a process and a document about which he has knowledge involving the design of Bard IVC filters
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	41:13-42:18			The witnesses is explaining a process and a document about which he has knowledge involving the design of Bard IVC filters.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	42:21-44:02			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	44:16-45:03			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	47:04-47:18	Overrule	47:4-47:8 - FRE 403: The testimony at 31:17-32:22 duplicates the same testimony and the probative value, if any, is substantially outweighed by undue delay, wasting of time and/or needlessly presenting cumulative evidence.	No objection was made at the time of the testimony (and no prior testimony is identified).
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	47:22-50:23			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	51:03-51:23			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	52:03-52:15			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	53:06-53:11			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	53:21-55:11	Overrule	54:4-55:11 - The response exceeds the scope of the question - everything after "there was no need to perform that test" is non-responsive.	The testimony is responsive to the question.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	55:19-60:03	Sustain	55:19-55:23 - an answer without a question	
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	60:05-60:11	Overrule	Foundation - The witness has not established how he is knowledgeable with the specific test or the basis for his knowledge of the reason Bard had for performing the test.	
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	60:14-60:21	Overrule	Foundation - The witness has not established how he is knowledgeable with the specific test or the basis for his knowledge of the reason Bard had for performing the test.	
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	78:02-78:12	Overrule	78:10-78:12 - Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter design or the ability to electropolish the filters prior to the Eclipse.	
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	78:16-81:08	Overrule	80:17-81:08 - Responsiveness- the witness was asked what types of wire were tested and he does not identify the type of wire just the location on the wires that was tested	The testimony is responsive to the question.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	81:11-88:04			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	88:12-88:14	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter testing.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	88:18-89:23	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter testing.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	90:11-90:25	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter testing.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	91:04-91:10	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter testing.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	91:12-92:08	Overrule	Responsiveness. Everything after "derived from a test on a Greenfield filter" exceeds the scope of the question asked. FRE 403-	The testimony is responsive to the question.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	92:12-93:15	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter testing.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	93:19-95:06			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	95:13-95:14	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter testing.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	95:16-97:06	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the filter testing.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	97:09-97:16			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	97:18-97:22	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter testing.	
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	97:25-98:07	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter testing.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	98:09-98:14	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter design or the ability to electropolish the filters prior to the Eclipse.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	98:16-98:19	Overrule	Foundation -The witness has not established how he is knowledgeable with regard to the Eclipse filter design or the ability to electropolish the filters prior to the Eclipse.	
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	99:04-99:10	Overrule	99:8-99:10 -FRE 611(c)-leading - Assumes facts not in evidence that the new filters were "improved" filters.	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	99:13-101:09	Overrule	99:16-100:5 -FRE 401,402- There is no relevance to whether all prototypes made it to market. 100:14-101:09 -FRE 401,402-There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.	Relevant to feasibility of alternative designs.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	101:15-101:16	Overrule	There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.C90	Relevant to feasibility of alternative designs. Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	101:18-102:22	Overrule	FRE 401, 402- There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.C90	Relevant to feasibility of alternative designs. Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	103:03-103:18	Overrule	FRE 401, 402 - There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.C90	Relevant to feasibility of alternative designs.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	103:25-104:02 starting with "what did"	Overrule	FRE 401, 402 - There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.	Relevant to feasibility of alternative designs. Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	104:04-106:05	Overrule	FRE 401, 402 - There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.	Relevant to feasibility of alternative designs. Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	106:07-107:09	Overrule	FRE 401, 402 - There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.	Relevant to feasibility of alternative designs.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	107:14-107:16	Overrule	FRE 401, 402 - There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.	Relevant to feasibility of alternative designs. Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	107:18-109:11	Overrule	FRE 401, 402 - There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.	Relevant to feasibility of alternative designs. Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	109:13-110:14	Overrule	FRE 401, 402 - There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.	Relevant to feasibility of alternative designs. The answer is responsive to the question.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	110:18-112:09	Overrule	FRE 401, 402 - There is no relevance to the G3 testimony as is was not a predicate for the Eclipse or another filter. FRE 403 - The probative value , if any, is substantially outweighed by unfair prejudice, undue delay, and wasting of time.	Relevant to feasibility of alternative designs.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	112:16-112:19			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	113:16-116:19	Overrule	115:20-116:19 - Responsiveness. Everything after ""derived from a test on a Greenfield filter"" exceeds the scope of the question asked. FRE 403- The testimony at 115:18-116:19 duplicates the same testimony and the probative value , if any, is substantially outweighed by undue delay, wasting of time and/or needlessly presenting cumulative evidence	The testimony is responsive to the question.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	116:24-118:15			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	119:05-120:19 starting at Again	Overrule	120:15-120:19 - FRE 611(c)-leading	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	120:22-120:24			

Chanduszko 11.6.20

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	121:02-121:06			Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	121:10			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	121:12-121:15	Overrule	FRE 611(c)-leading	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	121:21-121:24			Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	122:01-122:05	Overrule	122:3-122:5- FRE 611(c)-leading	Question is not leading. Question does not suggest the answer.
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	122:08			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	122:18-122:21			
DEF AFFIRM	Chanduszko, Andrzej 11/06/2020	123:02-123:22 end at Thank you			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				The testimony in this deposition relates entirely, or in significant part, to the design of the Recovery filter and actions taken regarding that filter. Bard objects to the testimony under Rules 401, 402 and 403 and for the reasons set forth in its MIL #2. The testimony is largely focused on alleged "bad acts" relating to the Recovery filter.	
PL AFFIRM	Clavarella, David 03/01/2011	91:16-92:02			
PL AFFIRM	Clavarella, David 03/01/2011	93:03-95:04			
PL AFFIRM	Clavarella, David 03/01/2011	99:16-100:03			
PL AFFIRM	Clavarella, David 03/01/2011	110:24-111:04			
PL AFFIRM	Clavarella, David 03/01/2011	111:10-112:05			
DEF COUNTER	Clavarella, David 03/01/2011	112:06-112:22			
PL AFFIRM	Clavarella, David 03/01/2011	112:23-113:10			
PL AFFIRM	Clavarella, David 03/01/2011	121:25-122:10 end at "Yes."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Also-to the extent the objection is overruled-incomplete and misleading answer. Complete answer is 122:10-11. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery and the G2. The Recovery is the predicate device to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter had a defective design and as to if Bard acted as a reasonable medical device manufacturer, which are at issue. Everything after "yes" is non-responsive and the objection is made at 122:12-13
DEF COUNTER	Clavarella, David 03/01/2011	135:12-136:11 subject to objection			
DEF COUNTER	Clavarella, David 03/01/2011	136:13-138:04 "death" must be redacted on 136:15 and 137:17			
DEF COUNTER	Clavarella, David 03/01/2011	138:07-138:12 subject to objection			
PL AFFIRM	Clavarella, David 03/01/2011	138:18-138:24 beginning with "Bard did not..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery and the G2. The Recovery is the predicate device to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter had a defective design and as to if Bard acted as a reasonable medical device manufacturer, which are at issue.
DEF COUNTER	Clavarella, David 03/01/2011	139:09-139:10 subject to objection	Overrule	Lack of foundation; calls for speculation; FRE 602 (lack of personal knowledge): Witness testified he does not have a specific recollection of "specific discussions about why there should or should not be a recall." 139:7-8; 137:5-9 ("there were so many of them for a while, and it was -- it was early on in my tenure there that I don't remember the details..."). The recall decision was made by the VP of regulatory sciences after discussions that included the witness. 135:20-136:8. But the witness does not recall those discussions and he did not make the decision. The answer demonstrates that the witness is speculating: "I would conclude..."	
DEF COUNTER	Clavarella, David 03/01/2011	139:12-140:04 subject to objection	Overrule	same objections as to 139:9 - 139:10, which are incorporated by reference here.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				The testimony in this deposition relates entirely, or in significant part, to the design of the Recovery filter and actions taken regarding that filter. Bard objects to the testimony under Rules 401, 402 and 403 and for the reasons set forth in its MIL #2. The testimony is largely focused on alleged "bad acts" relating to the Recovery filter.	
DEF COUNTER	Ciavarella, David 08/29/2012	5:06-5:11			
PL AFFIRM	Ciavarella, David 08/29/2012	21:10-21:15			
PL AFFIRM	Ciavarella, David 08/29/2012	35:17-36:05 Redact "filter death" (36:3)			
PL AFFIRM	Ciavarella, David 08/29/2012	36:08-36:19 Redact "death" (36:17)			
PL AFFIRM	Ciavarella, David 08/29/2012	39:25-40:12			
PL AFFIRM	Ciavarella, David 08/29/2012	60:16 ending in "now to..."	Overrule	This testimony and document violate the MIL on Recovery migration deaths, unless the exhibit is properly redacted. This testimony and document violate the MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve death and does not involve the Recovery Filter.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter had a defective design and as to if Bard acted as a reasonable medical device manufacturer, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. The testimony addresses all failure modes: the witness testified that "all patients in whom a Recovery filter is placed are potentially at risk for filter-associated adverse events." Any prejudice is not unfair. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Ciavarella, David 08/29/2012	60:17 beginning with "your Health..."	Overrule	This testimony and document violate the MIL on Recovery migration deaths unless the exhibit. This testimony and document violate the MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve death and does not involve the Recovery Filter.	See response to objections to 60:16 above, which Plaintiff incorporates here.
PL AFFIRM	Ciavarella, David 08/29/2012	60:18-61:06 beginning with "December 17, 2004..."	Overrule	This testimony and document violate the MIL on Recovery migration deaths. This testimony and document violate the MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve death and does not involve the Recovery Filter.	See response to objections to 60:16 above, which Plaintiff incorporates here.
DEF COUNTER	Ciavarella, David 08/29/2012	61:07-61:10 subject to objection			
DEF COUNTER	Ciavarella, David 08/29/2012	61:12-61:17 subject to objection			
PL COUNTER TO COUNTER	Ciavarella, David 08/29/2012	63:07-63:15 Redact "more deaths," (63:13)			
PL AFFIRM	Ciavarella, David 08/29/2012	67:09-68:07 beginning with "read to me on..."	Overrule	This testimony and document violate the MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve death and does not involve the Recovery Filter.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter had a defective design and as to if Bard acted as a reasonable medical device manufacturer, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
DEF COUNTER	Ciavarella, David 08/29/2012	68:08-68:12 subject to objection			
DEF COUNTER	Ciavarella, David 08/29/2012	68:15-69:01 subject to objection			

Ciavarella 8.29.12



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER TO COUNTER	Ciavarella, David 08/29/2012	69:15-69:17			
PL COUNTER TO COUNTER	Ciavarella, David 08/29/2012	69:20-70:05			
PL COUNTER TO COUNTER	Ciavarella, David 08/29/2012	70:08			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				The testimony in this deposition relates entirely, or in significant part, to the design of the Recovery filter and actions taken regarding that filter. Bard objects to the testimony under Rules 401, 402 and 403 and for the reasons set forth in its MIL #2. The testimony is largely focused on alleged "bad acts" relating to the Recovery filter.	The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108.19)
PL AFFIRM	Ciavarella, David 11/12/2013	11:09-11:11			
PL AFFIRM	Ciavarella, David 11/12/2013	13:12-13:19 beginning with "You've been with."			
PL AFFIRM	Ciavarella, David 11/12/2013	36:14-37:03			
PL AFFIRM	Ciavarella, David 11/12/2013	42:22-43:08			
DEF COUNTER	Ciavarella, David 11/12/2013	43:15-43:24			
PL AFFIRM	Ciavarella, David 11/12/2013	43:25-44:06			
PL AFFIRM	Ciavarella, David 11/12/2013	44:08-44:18			
PL AFFIRM	Ciavarella, David 11/12/2013	44:24-45:06			
PL AFFIRM	Ciavarella, David 11/12/2013	46:14-46:23			
DEF COUNTER	Ciavarella, David 11/12/2013	57:02-57:16 subject to objection			
DEF COUNTER	Ciavarella, David 11/12/2013	58:23-59:12 subject to objection	Override		FRE 403; Rules 601/602 & 701. Lacks foundation, witness does not have personal knowledge of subject matter; witness not an expert in this subject matter.
PL AFFIRM	Ciavarella, David 11/12/2013	70:06-70:08 beginning with "you don't have."			
PL AFFIRM	Ciavarella, David 11/12/2013	70:11-70:13			
PL AFFIRM	Ciavarella, David 11/12/2014	77:01-77:09	Sustain	Defendants object to line 77 01. Improper answer without a question designated.	
PL AFFIRM	Ciavarella, David 11/12/2013	80:04-80:13			
PL AFFIRM	Ciavarella, David 11/12/2013	83:06-83:08			
PL AFFIRM	Ciavarella, David 11/12/2013	83:11-83:16			
PL AFFIRM	Ciavarella, David 11/12/2013	84:10-84:15 beginning with "a medical doctor,"	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Warnings and what medical professional knew or should have known directly relate to if Bard acted as a reasonable medical device manufacturer. Witness's job responsibility included review of product labeling, so he had to have knowledge of this subject to do his job. See, e.g., 20:7-14. see also 91:13-17; 92:18-24. Witness's job also included assessing as part of health hazard evaluation whether the risk is obvious to the implanting physician. 8/29/12 deposition at 60:16-61:6. Witness made decisions and recommendations with respect to the Recovery regarding implanting physician's role in integrating risk information and making decisions. 7/29/14 deposition at 164:24-165:6. Testimony designated by Bard establishes witness had knowledge of and was involved in warnings and the risk/benefit analysis of doctors related to same. E.g., 80:18-25. In fact, the witness conducted a focus group regarding how doctors evaluate the risk/benefit ratio with respect to the Recovery filter. See Bard's designation, 7/29/04 deposition at 140:1-19. Thus, witness has knowledge of this subject matter. The witness answered the question.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Ciavarella, David 11/12/2013	84:17-84:20	Overrule	Rules 607/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Warnings and what medical professional knew or should have known directly relate to if Bard acted as a reasonable medical device manufacturer. Witness's job responsibility included review of product labeling, so he had to have knowledge of this subject to do his job. See, e.g., 20:7-14; see also 91:13-17; 92:18-24. Witness's job also included assessing as part of health hazard evaluation whether the risk is obvious to the implanting physician. 8/29/12 deposition at 60:16-61:6. Witness made decisions and recommendations with respect to the Recovery regarding implanting physician's role in integrating risk information and making decisions. 7/29/14 deposition at 164:24-165:6. Testimony designated by Bard establishes witness had knowledge of and was involved in warnings and the risk/benefit analysis of doctors related to same. E.g., 80:18-25; in fact, the witness conducted a focus group regarding how doctors evaluate the risk/benefit ratio with respect to the Recovery filter. See Bard's designation, 7/29/04 deposition at 140:1-19. Thus, witness has knowledge of this subject matter. The witness answered the question.
DEF COUNTER	Ciavarella, David 11/12/2013	84:22-85:03 subject to objection	Sustain in part. Add 86:07 and 86:08.	FRE 403: misleading and optional completeness: need to add witness answers to this at 85:16 & 86:8-8 (Witness says "I'm not sure." and "I don't know how to answer that question.")	
DEF COUNTER	Ciavarella, David 11/12/2013	86:08-86:16 begin at "whenever"	Sustain in part. Add 86:07 and 86:08.	FRE 403: misleading and optional completeness: need to add witness answers to this at 85:16 & 86:8-8 (Witness says "I'm not sure." and "I don't know how to answer that question.")	
DEF COUNTER	Ciavarella, David 11/12/2013	89:23-90:10	Overrule	Lack of foundation. The witness cannot speak to what other device manufacturers should or should not do.	
PL AFFIRM	Ciavarella, David 11/12/2013	90:12-90:16			
PL AFFIRM	Ciavarella, David 11/12/2013	90:24-91:17 beginning with "it has to..."			
PL AFFIRM	Ciavarella, David 11/12/2013	92:18-92:24			
DEF COUNTER	Ciavarella, David 11/12/2013	94:11-95:01			
PL AFFIRM	Ciavarella, David 11/12/2013	104:16-104:18 beginning with "What is MAUDE?"			
DEF COUNTER	Ciavarella, David 11/12/2013	104:19-105:10	Overrule	Rules 607/602 & 701. Lacks foundation, witness does not have personal knowledge of subject matter; witness not an expert in this subject matter. Witness repeatedly testified "probably" indicating lack of knowledge.	
DEF COUNTER	Ciavarella, David 11/12/2013	106:09-106:12			
DEF COUNTER	Ciavarella, David 11/12/2013	106:15-106:23	Overrule	106:24-25: FRE 802: hearsay; Judge Campbell sustained this objection in the MDL Dkt. 10403 page 5.	
PL AFFIRM	Ciavarella, David 11/12/2013	126:18-127:01 beginning with "the..."	Overrule	This testimony is related to Recovery cephalad migrations. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, cephalad migration, or death.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter had a defective design and as to if Bard acted as a reasonable medical device manufacturer, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
DEF COUNTER	Ciavarella, David 11/12/2013	127:06-127:08 subject to objection			
DEF COUNTER	Ciavarella, David 11/12/2013	127:11-127:14 subject to objection			
DEF COUNTER	Ciavarella, David 11/12/2013	131:06-131:12			
PL AFFIRM	Ciavarella, David 11/12/2013	131:18-131:23 beginning with "one of the..."			
PL AFFIRM	Ciavarella, David 11/12/2013	154:11-155:17 beginning with "why is a perforation"			
DEF COUNTER	Ciavarella, David 11/12/2013	155:18-155:21 subject to objection	Overrule	FRE 401, 402, 403: testimony cut off in middle of question; improper testimony	
PL COUNTER TO COUNTER	Ciavarella, David 11/12/2013	155:22-156:02			
PL COUNTER TO COUNTER	Ciavarella, David 11/12/2013	156:08-156:14 Theoretically			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Clavarella, David 11/12/2013	156:24-157:03 beginning with "we do know..."			
DEF COUNTER	Clavarella, David 11/12/2013	157:04-157:13 subject to objection	Overrule	Untimely designation pursuant to parties' agreement.	
PL AFFIRM	Clavarella, David 11/12/2013	159:05-159:09 beginning with "we know..." ending with "Yes."			
DEF COUNTER	Clavarella, David 11/12/2013	159:09 subject to objection	Overrule	Defendants have not moved for optional completeness. Nor would it be appropriate her.	
PL AFFIRM	Clavarella, David 11/12/2013	159:15-160:02 beginning with "just comparing..."			
PL AFFIRM	Clavarella, David 11/12/2013	161:21-162:05			
PL AFFIRM	Clavarella, David 11/12/2013	162:11-162:17			
PL AFFIRM	Clavarella, David 11/12/2013	168:06-168:09			
DEF COUNTER	Clavarella, David 11/12/2013	169:15-169:20 subject to objection	Sustain	FRE 401, 402, 403: no question asked; answer not responsive to statement by attorney; this is argument between attorney and witness - not proper testimony.	
DEF COUNTER	Clavarella, David 11/12/2013	Redact 169:18-20 169:22-170:07 end at "patients" subject to objection	Sustain	FRE 401, 402, 403: no question asked; answer not responsive to statement by attorney; this is argument between attorney and witness - not proper testimony. No answer designated until after 3 more "questions" were asked.	
DEF COUNTER	Clavarella, David 11/12/2013	170:21-170:23 subject to objection	Sustain	FRE 401, 402, 403: no question asked; answer not responsive to statement by attorney; this is argument between attorney and witness - not proper testimony. This is 3 lines of an answer with no question designated, after a back and forth argument between counsel and witness.	
PL AFFIRM	Clavarella, David 11/12/2013	174:16-174:21 beginning with "by the..." Redact "and killing any body from 174:18-19	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, cephalad migration, or death.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter had a defective design and as to if Bard acted as a reasonable medical device manufacturer, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. Migration is at issue in this case.
PL AFFIRM	Clavarella, David 11/12/2013	176:04-176:08 beginning with "the rates..."			As redacted, the testimony does not reference cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Clavarella, David 11/12/2013	179:16-179:25 beginning with "eventually didn't..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, cephalad migration, or death.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter had a defective design and as to if Bard acted as a reasonable medical device manufacturer, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. Migration is at issue in this case.
DEF COUNTER	Clavarella, David 11/12/2013	180:01-180:09 Subject to objection	Overrule	FRE 403	
PL AFFIRM	Clavarella, David 11/12/2013	180:11-180:25 beginning with "I'm asking..."			
PL AFFIRM	Clavarella, David 11/12/2013	181:05-181:08			
PL AFFIRM	Clavarella, David 11/12/2013	182:12-182:21 beginning with "you had..."			
PL AFFIRM	Clavarella, David 11/12/2013	184:25-185:11			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Clavarella, David 11/12/2013	186:05-186:11 beginning with " So, you know "			
DEF COUNTER	Clavarella, David 11/12/2013	186:17-186:21			
DEF COUNTER	Clavarella, David 11/12/2013	186:23-186:25			
PL AFFIRM	Clavarella, David 11/12/2013	250:02-250:05	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter had a defective design and as to if Bard acted as a reasonable medical device manufacturer, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. Witness's job responsibility included review of product labeling, so he had to have knowledge of this subject to do his job. See, e.g., 20:7-14. See also 91:13-17; 92:18-24. Witness's job also included assessing as part of health hazard evaluation whether the risk is obvious to the implanting physician. 8/29/12 deposition at 60:16-61:6. Witness made decisions and recommendations with respect to the Recovery regarding implanting physician's role in integrating risk information and making decisions. 7/29/14 deposition at 164:24-165:6. Testimony designated by Bard establishes witness had knowledge of and was involved in warnings and the risk/benefit analysis of doctors related to same. E.g., 80:18-25. In fact, the witness conducted a focus group regarding how doctors evaluate the risk/benefit ratio with respect to the Recovery filter. See Bard's designation. 7/29/04 deposition at 140:1-19. Thus, witness had knowledge of subject matter.
PL AFFIRM	Clavarella, David 11/12/2013	250:07-250:12	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	See response to objections to 250:02-250:05 above, which Plaintiff incorporates here.
PL AFFIRM	Clavarella, David 11/12/2013	250:14-250:15	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	See response to objections to 250:02-250:05 above, which Plaintiff incorporates here.
PL AFFIRM	Clavarella, David 11/12/2013	265:18-265:21			
PL AFFIRM	Clavarella, David 11/12/2013	266:13-266:22			
PL AFFIRM	Clavarella, David 11/12/2013	267:11-269:04			
PL AFFIRM	Clavarella, David 11/12/2013	269:12-270:05			
PL AFFIRM	Clavarella, David 11/12/2013	271:08-271:21			
PL AFFIRM	Clavarella, David 11/12/2013	272:05-272:15			
PL AFFIRM	Clavarella, David 11/12/2013	272:24-273:09			
PL AFFIRM	Clavarella, David 11/12/2013	274:09-275:06			
PL AFFIRM	Clavarella, David 11/12/2013	275:19-276:04			
PL COUNTER TO COUNTER	Clavarella, David 11/12/2013	276:05-277:05 (beginning with "when the")			

Clavarella 11.12.13

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Clavarella, David 11/12/2013	277:11-277:23			
PL AFFIRM	Clavarella, David 11/12/2013	281:09-281:15	Overrule	Duplicative-asked and answered-designated in prior transcript. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the G2 filter, failure modes at issue, or use of a permanent filter.	Defendant's fail to identify where this testimony is designated in a prior transcript. Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter had a defective design and if Bard acted as a reasonable medical device manufacturer, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any
PL AFFIRM	Clavarella, David 11/12/2013	282:02-282:08			
PL AFFIRM	Clavarella, David 11/12/2013	283:05-283:14			
PL COUNTER TO COUNTER	Clavarella, David 11/12/2013	284:04-284:16			
PL COUNTER TO COUNTER	Clavarella, David 11/12/2013	299:09-300:07			
PL AFFIRM	Clavarella, David 11/12/2013	359:14-359:20 beginning with "on this team..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, cephalad migration, fracture or a catastrophic event.	Testimony is not related to a particular filter or failure mode. The testimony shows that David Clavarella was the only medical doctor evaluating filter failures and catastrophic events caused by Bard IVC filters. Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter had a defective design and if Bard acted as a reasonable medical device manufacturer, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	Clavarella, David 11/12/2013	362:07-362:24 beginning with "you wrote:..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, cephalad migration, or fracture.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Establishes that witness (medical director of Bard at time of Recovery) believes that it is not possible to predict which patients' filters will fracture, but that more frequent monitoring could prevent some adverse events by discovery of abnormal placements and/or of fractures. Despite witness's conveyance of this opinion to Bard, Bard has not communicated this to physicians, to the witness's knowledge.
PL AFFIRM	Clavarella, David 11/12/2013	363:08-363:16	Overrule	This testimony relates to Recovery cephalad migration. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, cephalad migration, or fracture.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Establishes that witness (medical director of Bard at time of Recovery) believes that it is not possible to predict which patients' filters will fracture, but that more frequent monitoring could prevent some adverse events by discovery of abnormal placements and/or of fractures. Despite witness's conveyance of this opinion to Bard, Bard has not communicated this to physicians, to the witness's knowledge.
PL AFFIRM	Clavarella, David 11/12/2013	364:04-365:02			
PL AFFIRM	Clavarella, David 11/12/2013	366:01-367:05			
PL AFFIRM	Clavarella, David 11/12/2013	367:22-368:05			
PL COUNTER TO COUNTER	Clavarella, David 11/12/2013	371:23-372:03			
PL COUNTER TO COUNTER	Clavarella, David 11/12/2013	372:05			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				The testimony in this deposition relates entirely, or in significant part, to the design of the Recovery filter and actions taken regarding that filter. Bard objects to the testimony under Rules 401, 402 and 403 and for the reasons set forth in its MIL #2. The testimony is largely focused on alleged "bad acts" relating to the Recovery filter.	The references are not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819)
PL AFFIRM	Ciavarella, David 07/29/2014	45:23-46:07	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter or the Simon Nitinol Filter. Additionally, this testimony is duplicative of and cumulative of testimony previously designated from other depositions of this witness.	The testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	Ciavarella, David 07/29/2014	46:13-46:17	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter or the Simon Nitinol Filter. Additionally, this testimony is duplicative of and cumulative of testimony previously designated from other depositions of this witness.	The testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
DEF COUNTER	Ciavarella, David 07/29/2014	46:18-47:05 subject to objection			The testimony does not relate to a specific filter. Witness is identifying a document that he authored.
PL AFFIRM	Ciavarella, David 07/29/2014	66:25-67:07	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	The testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	Ciavarella, David 07/29/2014	67:18-68:04 beginning with "regardless of how..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	The witness is identifying a document. The testimony is not about a filter. The testimony is about the HHE, the purpose of the HHE and who authored the HHE. Additionally, testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
DEF COUNTER	Ciavarella, David 07/29/2014	68:05-68:10 subject to objection		optional completeness: entire answer should be included	
DEF COUNTER	Ciavarella, David 07/29/2014	73:19-74:05 end at "have" subject to objection	Sustain		
PL AFFIRM	Ciavarella, David 07/29/2014	75:15-75:21	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	Ciavarella, David 07/29/2014	77:16-77:23 Redact "and even potentially death" (77:20-21)	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Clavarella, David 07/29/2014	79:17-80:05 beginning with "And you stated..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	Clavarella, David 07/29/2014	90:11-90:25	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
DEF COUNTER	Clavarella, David 07/29/2014	91:01-91:10			
DEF COUNTER	Clavarella, David 07/29/2014	subject to objection			
DEF COUNTER	Clavarella, David 07/29/2014	93:02-94:05			
DEF COUNTER	Clavarella, David 07/29/2014	subject to objection			
DEF COUNTER	Clavarella, David 07/29/2014	95:11-95:20			
DEF COUNTER	Clavarella, David 07/29/2014	subject to objection			
DEF COUNTER	Clavarella, David 07/29/2014	96:01			
DEF COUNTER	Clavarella, David 07/29/2014	subject to objection			
DEF COUNTER	Clavarella, David 07/29/2014	96:03-96:10			
DEF COUNTER	Clavarella, David 07/29/2014	subject to objection			
DEF COUNTER	Clavarella, David 07/29/2014	109:07-111:21			
DEF COUNTER	Clavarella, David 07/29/2014	subject to objection			
DEF COUNTER	Clavarella, David 07/29/2014	114:03-114:12			
PL AFFIRM	Clavarella, David 07/29/2014	subject to objection	Overrule	This document and testimony violates the Court's ruling on the ML regarding Recovery migration deaths. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, cephalad migration, or death.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde.
PL AFFIRM	Clavarella, David 07/29/2014	116:21-116:23 ending with "2004,"	Overrule	This document and testimony violates the Court's ruling on the ML regarding Recovery migration deaths. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, migration, or death.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Ciavarella, David 07/29/2014	117:03-117:04 beginning with "Correct?"	Overrule	This document and testimony violates the Court's ruling on the MIL regarding Recovery migration deaths. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, migration, or death.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2x/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2x/Eclipse. Any prejudice is not unfair. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde.
PL AFFIRM	Ciavarella, David 07/29/2014	117:09-117:15 beginning with "it appears..." Redact "and now ten reports associated with patient death." (117:12-13)	Overrule	This document and testimony violates the Court's ruling on the MIL regarding Recovery migration deaths. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve Recovery filter, cephalad migration or death.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2x/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2x/Eclipse. Any prejudice is not unfair. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde.
PL AFFIRM	Ciavarella, David 07/29/2014	117:16-118:05 beginning with "the..."	Overrule	This document and testimony violates the Court's ruling on the MIL regarding Recovery migration deaths. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve Recovery filter, cephalad migration or death.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2x/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2x/Eclipse. Any prejudice is not unfair. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde.
PL AFFIRM	Ciavarella, David 07/29/2014	118:06-119:01 beginning with "was he Dr..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve Recovery filter, cephalad migration or death.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2x/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2x/Eclipse. Any prejudice is not unfair. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde.
PL AFFIRM	Ciavarella, David 07/29/2014	119:06-119:14 beginning with "what were..." ending with "overall."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve Recovery filter, cephalad migration or death.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2x/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2x/Eclipse. Any prejudice is not unfair. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde.
DEF COUNTER	Ciavarella, David 07/29/2014	119:25-120:01 SUBJECT TO OBJECTIONS RELATING TO LEHMANN REPORT	Taken Under Advisement	Addresses content of Lehman report: If Plaintiff's designations re this report are deemed to be privileged, this should be, too.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2x/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2x/Eclipse. Any prejudice is not unfair.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Ciavarella, David 07/29/2014	120:11-120:16 SUBJECT TO OBJECTIONS RELATING TO LEHMANN REPORT	Taken Under Advisement	Incomplete designation: only part of answer is designated. Addresses content of Lehman report: if Plaintiff's designations re this report are deemed to be privileged, this should be, too.	
DEF COUNTER	Ciavarella, David 07/29/2014	131:03-131:13 subject to objection	Sustain	Lack of foundation; FRE 602 (lack of personal knowledge); hearsay as to FDA statements; subject to objections, optional completeness: if played, entire answer should be included.	
PL AFFIRM	Ciavarella, David 07/29/2014	135:02-135:25	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter and cephalad migration. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and and as to consumer expectation, which are at issue. The G2/G2x/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2 and the G2/G2x/Eclipse. Any prejudice is not unfair. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde.
PL AFFIRM	Ciavarella, David 07/29/2014	137:10-138:13	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and and as to consumer expectation, which are at issue. The G2/G2x/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2 and the G2/G2x/Eclipse. Any prejudice is not unfair.
DEF COUNTER	Ciavarella, David 07/29/2014	140:01-140:19 subject to objection			
DEF COUNTER	Ciavarella, David 07/29/2014	142:03-142:04 end at "presentation"			
DEF COUNTER	Ciavarella, David 07/29/2014	subject to objection			
DEF COUNTER	Ciavarella, David 07/29/2014	142:10-142:16 subject to objection	Overrule	optional completeness: entire answer should be included	
DEF COUNTER	Ciavarella, David 07/29/2014	144:19-145:02 end at "this"			
DEF COUNTER	Ciavarella, David 07/29/2014	subject to objection			
DEF COUNTER	Ciavarella, David 07/29/2014	145:08-146:05 subject to objection	Sustain	FRE 802: hearsay Hearsay objection sustained by Judge Campbell. See MDL Doc. 12508 para. D.P. 6. No. 22 (holding 145:13-146:1 is hearsay).	
DEF COUNTER	Ciavarella, David 07/29/2014	148:22-149:14 begin at "But"			
DEF COUNTER	Ciavarella, David 07/29/2014	subject to objection			
DEF COUNTER	Ciavarella, David 07/29/2014	151:03-151:11 subject to objection	Sustain	FRE 802: hearsay; FRE 602 (lack of personal knowledge)	
DEF COUNTER	Ciavarella, David 07/29/2014	151:12-151:16 begin at "But no"	Sustain	FRE 802: hearsay; FRE 602 (lack of personal knowledge); subject to objections, optional completeness: "even death" needs to be included	
DEF COUNTER	Ciavarella, David 07/29/2014	Subject to objection			
DEF COUNTER	Ciavarella, David 07/29/2014	152:20-152:21 end at "recall"			
DEF COUNTER	Ciavarella, David 07/29/2014	Subject to objection			
DEF COUNTER	Ciavarella, David 07/29/2014	153:02-153:14 end at "be taken"	Sustain	optional completeness: entire answer should be included	
DEF COUNTER	Ciavarella, David 07/29/2014	Subject to objection			
DEF COUNTER	Ciavarella, David 07/29/2014	156:08-156:19 Subject to objection	Sustain	155:12-19: FRE 802: hearsay; FRE 602 (lack of personal knowledge)	
DEF COUNTER	Ciavarella, David 07/29/2014	156:25-157:06 end at "No"	Sustain	FRE 602 (lack of personal knowledge); witness does not remember without looking at meeting minutes (157:6-8); subject to objections, optional completeness: entire answer needs to be included	
PL AFFIRM	Ciavarella, David 07/29/2014	Subject to objection	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony is the introduction of an exhibit. It does not involve a filter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Ciavarella, David 07/29/2014	163.08 ending with "is?"	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is not about the Recovery filter. The testimony to identify what an exhibit is. Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	Ciavarella, David 07/29/2014	163.10-163.20	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is not about the Recovery filter. The testimony to identify what an exhibit is. Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	Ciavarella, David 07/29/2014	164.15-165.06	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is not about the Recovery filter. The testimony to identify what an exhibit is. Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
DEF COUNTER	Ciavarella, David 07/29/2014	165.07-165.12	Overrule	FRE 701 (improper opinion testimony by lay witness based on technical/legal knowledge)	
DEF COUNTER	Ciavarella, David 07/29/2014	165.23-166.06 This designation is made subject to the objection that Plaintiff's testimony violates the protective order entered in the MDL regarding the consultant report prepared by Dr. John Lehmann. If the objection is sustained, Bard withdraws this designation.	Overrule	FRE 701 (improper opinion testimony by lay witness based on technical/legal knowledge);	
PL AFFIRM	Ciavarella, David 07/29/2014	167.05-167.17	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	The testimony is about the G2, the predicate device to the G2x and Eclipse. The G2, G2x, Eclipse are identical except for a hook on top of the G2x and electropolishing for the Eclipse.
PL AFFIRM	Ciavarella, David 07/29/2014	168.12-170.06	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, fracture, or cephalad migration.	Testimony is not about the Recovery filter. The testimony to identify what an exhibit is. Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Ciavarella, David 07/29/2014	170:15-170:22	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter, fracture, or cephalad migration.	Testimony is not about the Recovery filter. The testimony to identify what an exhibit is. Testimony involves the Recovery, which is the predicate filter to the G2 and the G2 is the predicate device for the Eclipse. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	Ciavarella, David 07/29/2014	171:12-171:14 beginning with "were you..."	Overrule	Cumulative and duplicative. This testimony is cumulative and duplicative of other testimony designated for this witness.	Defendants do not identify the duplicative testimony
PL AFFIRM	Ciavarella, David 07/29/2014	173:15-173:18			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	DeFord, John 06/02/2016	10:04-10:05			
DEF AFFIRM	DeFord, John 06/02/2016	13:06-13:15			
DEF AFFIRM	DeFord, John 06/02/2016	14:21-15:20			
DEF AFFIRM	DeFord, John 06/02/2016	16:06-18:18			
DEF AFFIRM	DeFord, John 06/02/2016	20:22-21:05			
DEF AFFIRM	DeFord, John 06/02/2016	21:13-21:17			
DEF AFFIRM	DeFord, John 06/02/2016	22:01-23:18			
DEF AFFIRM	DeFord, John 06/02/2016	24:19-24:22			
DEF AFFIRM	DeFord, John 06/02/2016	78:12-78:16			
DEF AFFIRM	DeFord, John 06/02/2016	78:19-79:18			
PL COUNTER	DeFord, John 06/02/2016	288:14-288:20			
PL COUNTER	DeFord, John 06/02/2016	288:23-289:12			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	DeFord, John 08/15/2019	7:16-16:09	Overrule	(11:17-16:09) FRE 401; not relevant. (16:07-16:09) Lack of foundation; FRE 602.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	16:12-21:11	Overrule	(16:12-16:24) Lack of foundation; FRE 602. (16:25-17:07) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. Through the course of his career, the witness has had reason to keep abreast of medical literature and the medical community's experience as a whole with IVC filters in general and providing testimony regarding that experience and knowledge is directly relevant.
DEF AFFIRM	DeFord, John 08/15/2019	21:14-22:16			
DEF AFFIRM	DeFord, John 08/15/2019	22:19-24:01			
DEF AFFIRM	DeFord, John 08/15/2019	24:04-24:07			
DEF AFFIRM	DeFord, John 08/15/2019	24:09-24:18			
DEF AFFIRM	DeFord, John 08/15/2019	24:21-26:01	Overrule	(25:10-26:01) object to FDA testimony based on Plaintiff's anticipated 510k MIL FRE 403- & 401	
DEF AFFIRM	DeFord, John 08/15/2019	26:04-26:12	Overrule	(26:04-26:09) object to FDA testimony based on Plaintiff's anticipated 510k MIL FRE 403- & 401	
DEF AFFIRM	DeFord, John 08/15/2019	26:14-27:09			
DEF AFFIRM	DeFord, John 08/15/2019	27:12-28:18	Overrule	(28:16-28:18) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness is entitled to explain his answer. The witness has previously testified to his lengthy experience in the medical device industry and with IVC filters in general. He is speaking from personal knowledge of events that he was involved in.
DEF AFFIRM	DeFord, John 08/15/2019	28:21-30:18	Overrule	(28:21-29:21) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The testimony is directly responsive to the question asked. The witness is entitled to explain his answer. The witness has previously testified to his lengthy experience in the medical device industry and with IVC filters in general. He is speaking from personal knowledge of events that he was involved in. The witness is discussing facts that are well-established within the medical community and to which Plaintiff's own expert witnesses agree.
DEF AFFIRM	DeFord, John 08/15/2019	30:20-30:25			
DEF AFFIRM	DeFord, John 08/15/2019	31:23-32:10	Overrule	(31:23-32:05) Lack of personal knowledge; FRE 602. speculation. Opinion testimony by a lay witness; FRE 701. (32:06-32:10) Lack of personal knowledge; FRE 602. speculation. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in.
DEF AFFIRM	DeFord, John 08/15/2019	32:13-32:20	Overrule	(32:13-32:18) Lack of personal knowledge; FRE 602. speculation. Opinion testimony by a lay witness; FRE 701. (32:19-32:20) vague: unclear as to what "evolved over time" means.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The question is not vague.
DEF AFFIRM	DeFord, John 08/15/2019	32:22-33:06	Overrule	(32:22-32:24) vague: unclear as to what "evolved over time" means.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The question is not vague.
DEF AFFIRM	DeFord, John 08/15/2019	33:11-33:25	Overrule	(33:24-33:08) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in, as well as the medical literature that he is aware of on the topic of central venous pressure, which the Plaintiffs put directly at issue in this litigation.
DEF AFFIRM	DeFord, John 08/15/2019	34:02-34:08	Overrule	(34:02-34:08) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in.
DEF AFFIRM	DeFord, John 08/15/2019	37:03-37:14	Overrule	(37:03-37:14) Lack of foundation; Lack of personal knowledge; FRE 602. Speculation. Opinion testimony by a lay witness; FRE 701. No scientific proof that filters including the Recovery filters save lives.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in, as well as the medical literature that he is aware of on the topic of central venous pressure, which the Plaintiffs put directly at issue in this litigation.
DEF AFFIRM	DeFord, John 08/15/2019	38:14-39:17	Overrule	(38:14-39:17) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	DeFord, John 08/15/2019	39:19-40:20	Overrule	(39:19-40:16) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701. Speculation. Narrative. (40:17-40:20) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	40:23-42:16	Overrule	(40:23-41:19) Lack of foundation; FRE 602. Speculation. Opinion testimony by a lay witness; FRE 701. (42:14-42:16) Leading. Lack of foundation; Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	42:19-43:18	Overrule	(42:19-42:21) Leading. Lack of foundation; Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	50:08-50:12	Overrule	(50:08-50:25) Lack of foundation; Lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. Speculation.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	50:15-50:25	Overrule	(50:08-50:25) Lack of foundation; Lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. Speculation.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	51:01-51:05	Overrule	(50:08-50:25) Lack of foundation; Lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. Speculation.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	51:08-51:16	Overrule	(51:01-51:12) Lack of foundation; Lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. Speculation.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	51:18-52:19	Overrule	(51:18-51:20) Lack of foundation; Lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. Speculation.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	54:11-54:16	Overrule	(54:11-54:16) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	54:19-55:06	Overrule	(54:19-55:06) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	71:08-71:14	Overrule	(71:08-71:14) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	71:16-72:02	Overrule	(71:16-71:21) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701. (71:25-72:02) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	72:04-72:22	Overrule	(71:04-72:22) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	72:25-74:08	Overrule	(72:25-73:10) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701. (73:18-73:24) Object to FDA testimony based on Plaintiff's 510k MIL. FRE 403 - & 401. (74:06-74:08) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.

DeFord 8.15.19

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	DeFord, John 08/15/2019	74:11-75:09	Overrule	(74:11-74:16) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701. (75:06-75:09) Object to FDA testimony based on Plaintiff's 510k MIL. FRE 403- & 401	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters. With respect to 510k/FDA evidence, Defendants incorporate by reference their response to Plaintiff's motion in limine.
DEF AFFIRM	DeFord, John 08/15/2019	75:11-75:12	Overrule	(75:11-75:12) Object to FDA testimony based on Plaintiff's 510k MIL. FRE 403- & 401	Defendants incorporate by reference their response to Plaintiff's motion in limine.
DEF AFFIRM	DeFord, John 08/15/2019	75:14-81:10	Overrule	(75:14) Object to FDA testimony based on Plaintiff's 510k MIL FRE 403- & 401. (77:10-77:15) Lack of foundation; lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. speculation. (77:16-77:24) Lack of foundation; lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. speculation. (77:25-78:06) Lack of foundation; lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. speculation. (80:20-80:25) Lack of foundation; lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. speculation.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters. Defendants incorporate by reference their response to Plaintiff's motion in limine.
DEF AFFIRM	DeFord, John 08/15/2019	81:13-82:02	Overrule	(81:13-82:02) Lack of foundation; lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. speculation	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters. Defendants incorporate by reference their response to Plaintiff's motion in limine.
DEF AFFIRM	DeFord, John 08/15/2019	82:05-82:06			
DEF AFFIRM	DeFord, John 08/15/2019	82:10-82:25			
DEF AFFIRM	DeFord, John 08/15/2019	83:03-83:14			
DEF AFFIRM	DeFord, John 08/15/2019	83:19-84:21			
DEF AFFIRM	DeFord, John 08/15/2019	84:24-87:11	Overrule	(87:10-87:11) Lack of foundation; lack of personal knowledge; FRE 602. speculation.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	87:14-87:19	Overrule	(87:10-87:17) Lack of foundation; lack of personal knowledge; FRE 602. speculation. (87:18-87:19) Lack of foundation; lack of personal knowledge; FRE 602. speculation.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	87:21-90:06	Overrule	(87:21-87:22) Lack of foundation; lack of personal knowledge; FRE 602. speculation. (90:03-90:06) Lack of foundation; FRE 602.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	90:08-90:16	Overrule	(90:08) Lack of foundation; FRE 602. (90:13-90:16) Lack of foundation; FRE 602.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	90:18-90:19	Overrule	(90:18-90:19) Lack of foundation; FRE 602.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	90:22-90:25	Overrule	(90:22) Lack of foundation; FRE 602. (90:23-90:25) Lack of foundation; FRE 602.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	91:02-92:08	Overrule	(91:02) Lack of foundation; FRE 602.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	DeFord, John 08/15/2019	92:10-92:13	Overrule	(92:12-92:13) Lack of foundation; FRE 602.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	92:15-95:13	Overrule	(92:15-92:25) Lack of foundation; (94:01-94:06) Object to FDA testimony based on Plaintiff's 510K MFL FRE 403- & 401. (95:11-95:13) Lack of foundation; lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. speculation. Misleading as the study had not concluded. FRE 403.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	95:16-96:02	Overrule	(95:16-95:23) Lack of foundation; lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. speculation. Misleading as the study had not concluded. FRE 403. (95:25-96:02) Lack of foundation; lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. speculation. Assumes facts not in evidence. Leading. Counsel is testifying.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	96:04-96:24	Overrule	(96:04-96:11) Lack of foundation; lack of personal knowledge; FRE 602. Opinion testimony by a lay witness; FRE 701. speculation.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	97:18-97:23	Overrule	(97:21-97:23) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	98:01-98:07	Overrule	(98:01-98:04) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701. (98:05-98:07) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	98:10-99:01	Overrule	(98:10-98:16) Lack of foundation; FRE 602. (98:24-99:01) Lack of foundation; FRE 602.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	99:04-99:07	Overrule	(99:04-99:07) Lack of foundation; FRE 602.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	99:09-99:13	Overrule	(99:09-99:13) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	99:15-100:06	Overrule	(99:15-99:17) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701. (100:05-100:06) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	100:08-100:14	Overrule	(100:08-100:09) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701. (100:10-100:14) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	100:16-101:02	Overrule	(100:16) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701. (100:17-100:23) Leading. Counsel in testifying. (100:24-101:02) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	101:04-101:08	Overrule	(101:04) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701. (101:05-101:08) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701.	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
DEF AFFIRM	DeFord, John 08/15/2019	101:10-101:16	Sustain	(101:10-101:16) Lack of foundation; FRE 602. Opinion testimony by a lay witness; FRE 701. (101:11-101:25) Relevance. FRE 401	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	DeFord, John 08/15/2019	101:18-101:25	Sustain	(101:18-101:25) Relevance. FRE 401	The witness has previously testified to his lengthy experience in the medical device industry. He is speaking from personal knowledge of events that he was involved in. The Plaintiff has put these matters directly at issue in this litigation. Defendants are entitled to respond with a witness with extensive background and experience with these matters.
PL COUNTER	DeFord, John 08/15/2019	102:20-103:23			
PL COUNTER	DeFord, John 08/15/2019	104:20-105:17			
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	105:18-105:24			
PL COUNTER	DeFord, John 08/15/2019	106:04-106:07			
PL COUNTER	DeFord, John 08/15/2019	106:09-106:15			
PL COUNTER	DeFord, John 08/15/2019	106:17-107:14			
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	stopping at "Yeah" 107:13-107:14			
PL COUNTER	DeFord, John 08/15/2019	108:05-108:22 stopping at "Correct"	Overrule	Object to the introduction of the article on the grounds that it is hearsay. Bard's designations at 86:01-90:06 do not address the content of the article (and it was not marked as an exhibit), but instead the circumstances surrounding it and Bard's interaction with the FDA	Defendants discussed the Nicholson article at length on direct see 86:01-90:06 - Plaintiff's are cross examining on the same article. Plaintiff is not seeking to introduce the article as an exhibit - this is proper See FRE 803(18).
PL COUNTER	DeFord, John 08/15/2019	109:02-109:21	Overrule	Object to the introduction of the article on the grounds that it is hearsay. Bard's designations at 86:01-90:06 do not address the content of the article (and it was not marked as an exhibit), but instead the circumstances surrounding it and Bard's interaction with the FDA	Defendants discussed the Nicholson article at length on direct see 86:01-90:06 - Plaintiff's are cross examining on the same article. Plaintiff is not seeking to introduce the article as an exhibit - this is proper See FRE 803(18).
PL COUNTER	DeFord, John 08/15/2019	109:23	Overrule	Object to the introduction of the article on the grounds that it is hearsay. Bard's designations at 86:01-90:06 do not address the content of the article (and it was not marked as an exhibit), but instead the circumstances surrounding it and Bard's interaction with the FDA	Defendants discussed the Nicholson article at length on direct see 86:01-90:06 - Plaintiff's are cross examining on the same article. Plaintiff is not seeking to introduce the article as an exhibit - this is proper See FRE 803(18).
PL COUNTER	DeFord, John 08/15/2019	110:04-110:13	Overrule	Object to the introduction of the article on the grounds that it is hearsay. Bard's designations at 86:01-90:06 do not address the content of the article (and it was not marked as an exhibit), but instead the circumstances surrounding it and Bard's interaction with the FDA	Defendants discussed Dr. Terrotola's participation in a FDA conference with Dr. Nicholson about his article at length on direct see 86:01-90:06 - Plaintiff's are cross examining on the same issue and referencing a learned treatise by Dr. Terrotola which cites the Nicholson article. Plaintiff is not seeking to introduce the article as an exhibit - this is proper See FRE 803(18).
PL COUNTER	DeFord, John 08/15/2019	110:15 "Yes"	Overrule	The following testimony is designated by Defendants as necessary: 110:15 - 110:16	The testimony requested is not needed to complete the response. It is unsolicited and unsubstantiated hearsay.
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	110:15-110:16			
PL COUNTER	DeFord, John 08/15/2019	110:21-111:25			
PL COUNTER	DeFord, John 08/15/2019	112:08-115:21			
PL COUNTER	DeFord, John 08/15/2019	116:13-117:19 stopping at "correctly"			
PL COUNTER	DeFord, John 08/15/2019	127:02-128:03	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
PL COUNTER	DeFord, John 08/15/2019	128:09-129:01	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The following testimony is designated by Defendants as necessary: 129:02 - 129:07.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	DeFord, John 08/15/2019	129:11-130:21 "Yes"	Sustained as to 130:08-24.	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The following testimony is designated by Defendants as necessary: 130:21 – 130:24.	
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	130:21-130:24			
PL COUNTER	DeFord, John 08/15/2019	132:20-132:23	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	133:23-134:10			
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	135:10-135:12			
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	135:14-135:15			
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	138:09-139:04			
PL COUNTER	DeFord, John 08/15/2019	139:06-139:17	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness has never seen the document before. See 205:14-25.	
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	140:10-140:15			
PL COUNTER	DeFord, John 08/15/2019	141:06-141:12	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	152:04-152:15			
PL COUNTER	DeFord, John 08/15/2019	155:12-155:16	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	DeFord, John 08/15/2019	156:04-156:16 Redacted 153:09-153:10 Start at "and ten". End at "that's fair"	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The following testimony is designated by Defendants as necessary: 156:16 - 156:20. Referring to the total adverse events does not open the door to Recovery migration deaths.	The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108:19). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde. Adding 156:16-156:20 after requiring Plaintiff to remove the testimony as to known deaths would open the door to the death references.
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	156:16-156:20			
PL COUNTER	DeFord, John 08/15/2019	157:24-158:03	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403. The following testimony is designated by Defendants as necessary: 158:4 - 158:13.	The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108:19). Adding 158:04-158:13 after requiring Plaintiff to remove the testimony as to known deaths would open the door to the death references.
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	158:04-158:13			
PL COUNTER	DeFord, John 08/15/2019	158:10 "Nothing in this document"	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403. The following testimony is designated by Defendants as necessary: 158:4 - 158:13.	The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance and probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108:19). Adding 158:04-158:13 after requiring Plaintiff to remove the testimony as to known deaths would open the door to the death references.
PL COUNTER	DeFord, John 08/15/2019	160:07-160:08 Stopping at "G2"			
PL COUNTER	DeFord, John 08/15/2019	160:17-161:01			
PL COUNTER	DeFord, John 08/15/2019	162:17-162:19			
PL COUNTER	DeFord, John 08/15/2019	163:04-163:07			
PL COUNTER	DeFord, John 08/15/2019	164:07-164:09			
PL COUNTER	DeFord, John 08/15/2019	167:07-167:10			
PL COUNTER	DeFord, John 08/15/2019	167:19-168:04			
PL COUNTER	DeFord, John 08/15/2019	168:08			
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	"Stopping at "correctly" 168:08-168:10		The following testimony is designated by Defendants as necessary: 168:8 - 168:10.	
PL COUNTER	DeFord, John 08/15/2019	168:13-168:17			
PL COUNTER	DeFord, John 08/15/2019	Starting at "He" 168:19-168:25			
DeFord 8-15-19	08/15/2019				

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	DeFord, John 08/15/2019	169:02-169:04			
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	174:06-174:11			
PL COUNTER	DeFord, John 08/15/2019	178:22-179:11	Overrule	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	
PL COUNTER	DeFord, John 08/15/2019	180:15-180:18		The following testimony is designated by Defendants as necessary: 180:19 - 181:01.	
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	180:19-181:01			
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	182:02-182:06			
PL COUNTER	DeFord, John 08/15/2019	183:04-183:12 Start at "There were"	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 182:02 - 182:06. The following testimony is designated by Defendants as necessary: 182:02 - 182:06.	
PL COUNTER	DeFord, John 08/15/2019	183:16-183:17			
PL COUNTER	DeFord, John 08/15/2019	183:19-183:20			
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	201:23-202:18			
PL COUNTER	DeFord, John 08/15/2019	202:19-203:15		The following testimony is designated by Defendants as necessary: 201:23 - 202:18, 203:25 - 204:04.	
PL COUNTER	DeFord, John 08/15/2019	203:17-203:25		The following testimony is designated by Defendants as necessary: 201:23 - 202:18, 203:25 - 204:04, 203:24 - 204:1.	
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	203:25-204:05			
DEF COUNTER TO COUNTER	DeFord, John 08/15/2019	208:22-208:23			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL BLANKET RESPONSE TO OBJECTIONS					Running Response to objections based on FRE 601, 602 & 612 related to lack of personal knowledge. The Plaintiff incorporates his Response to the Defendants Omnibus Motion in Limine # 7 and asserts the arguments made in opposition herein. The Federal Rules of Evidence do not prohibit a party from questioning witnesses about admissible documents the witness does not recall having seen before. "What if you had known " questions are acceptable. Id . at 459.
PL AFFIRM	Edwards, Bill 04/11/2017	7:11-7:14			
PL AFFIRM	Edwards, Bill 04/11/2017	7:18-7:20			
PL AFFIRM	Edwards, Bill 04/11/2017	13:07-14:04			
DEF COUNTER	Edwards, Bill 04/11/2017	14:14-14:17			
PL AFFIRM	Edwards, Bill 04/11/2017	14:16-15:18			
PL AFFIRM	Edwards, Bill 04/11/2017	Starting with "I think" 15:23-16:18			
PL AFFIRM	Edwards, Bill 04/11/2017	17:05-17:11			
PL AFFIRM	Edwards, Bill 04/11/2017	17:18-18:02			
PL AFFIRM	Edwards, Bill 04/11/2017	Starting with "What were"			
PL AFFIRM	Edwards, Bill 04/11/2017	18:16-18:19			
PL AFFIRM	Edwards, Bill 04/11/2017	Starting with "in that" 18:24-19:03			
PL AFFIRM	Edwards, Bill 04/11/2017	19:05-19:11			
PL AFFIRM	Edwards, Bill 04/11/2017	20:09-21:06			
PL AFFIRM	Edwards, Bill 04/11/2017	23:12-24:02			
DEF COUNTER	Edwards, Bill 04/11/2017	24:03-24:08			
PL AFFIRM	Edwards, Bill 04/11/2017	25:02-25:06			
PL AFFIRM	Edwards, Bill 04/11/2017	25:09-25:20			
PL AFFIRM	Edwards, Bill 04/11/2017	26:16-28:09			
PL AFFIRM	Edwards, Bill 04/11/2017	28:13-28:15			
DEF COUNTER	Edwards, Bill 04/11/2017	28:16-28:18			Please refer to the objections to 28:22-28:22 below.
DEF COUNTER	Edwards, Bill 04/11/2017	28:21-29:01	Sustain in part. Redact "Like all trials."	FRE 401,402,403, 602, 701, 702 & 802 - 28:22-28:22 - "Like all trials" - his statement lacks a proper foundation and is speculation by the witness. He has not established his knowledge of all trials and the question was specific to Bard's own EVEREST trial. The assertion "like all trials" is hearsay. The testimony is not reliable, it is unfairly prejudicial, confusing and misleading.	
PL AFFIRM	Edwards, Bill 04/11/2017	44:12-44:21			
DEF COUNTER	Edwards, Bill 04/11/2017	44:22-45:03	Overrule	FRE 403, 602, 701 & 702 - 44:22-45:03 - The question is compound and there fore confusion and the witness mistakes what a predicate device is. His statement lacks a proper foundation as he admits he does not know what the basis for being a predicate device is in the next question and answer - 45:4-45:14. The testimony is not reliable, it is unfairly prejudicial, confusing and misleading. FRCP 32(6) - If this testimony is admitted the Plaintiff contends that in fairness 45:4-45:10 and 45:13-45:14 should be presented at the same time to complete the testimony and avoid confusion or misleading the jury.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Bill 04/11/2017	46:05-46:09	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked what Bard told him. That does not call for speculation.
PL AFFIRM	Edwards, Bill 04/11/2017	46:12-46:22	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters, and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked what Bard told him. That does not call for speculation.
DEF COUNTER	Edwards, Bill 04/11/2017	48:03-48:06			
PL AFFIRM	Edwards, Bill 04/11/2017	48:22-48:23	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness is asked about a document he specifically testifies that he has never seen before 48:3-6.	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters, and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked what Bard told him. The question relates to a Bard document in which the company described and compare the Eclipse to the G2, products the witness was responsible for selling and it the questioning relates to his knowledge regarding the products.
PL AFFIRM	Edwards, Bill 04/11/2017	49:07-49:09	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness is asked about a document he specifically testifies that he has never seen before 48:3-6.	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters, and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked what Bard told him. The question relates to a Bard document in which the company described the Eclipse and compared its design to the G2, products the witness was responsible for selling and the question relates to his knowledge regarding the products.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Bill 04/11/2017	49:21-50:15	Sustain	Rules 601/602 & 612 Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness is asked about a document he specifically testifies that he has never seen before 48:3-6.	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters, and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked what Bard told him. The question relates to a Bard document in which the company described the Eclipse filter and compare its design to the G2, products the witness was responsible for selling and the question relates to his knowledge regarding the products.
PL AFFIRM	Edwards, Bill 04/11/2017	50:18-51:19	Sustain	Rules 601/602 & 612 Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness is asked about a document he specifically testifies that he has never seen before 48:3-6.	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters, and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked what Bard told him and what Bard's policies were re: what was told to the direct sales personnel about the products the witness was responsible for selling and it the question relates to his knowledge regarding the products and Bard's conduct.
PL AFFIRM	Edwards, Bill 04/11/2017	52:21-53:02			
PL AFFIRM	Edwards, Bill 04/11/2017	53:06-53:24			
PL AFFIRM	Edwards, Bill 04/11/2017	54:03-55:03			
PL AFFIRM	Edwards, Bill 04/11/2017	55:06-55:17			
PL AFFIRM	Edwards, Bill 04/11/2017	55:20-55:22			
DEF COUNTER	Edwards, Bill 04/11/2017	56:07-56:13	Sustain in part as to completeness.	FRCP 32(6) - If this testimony is admitted the Plaintiff contends that in fairness 56:21-56:24 should be presented at the same time to complete the testimony and avoid confusion or misleading the jury.	
DEF COUNTER	Edwards, Bill 04/11/2017	56:16-56:20	Sustain in part as to completeness.	FRCP 32(6) - If this testimony is admitted the Plaintiff contends that in fairness 56:21-56:24 should be presented at the same time to complete the testimony and avoid confusion or misleading the jury.	
DEF COUNTER	Edwards, Bill 04/11/2017	57:01-57:15	Sustain in part as to completeness.	FRCP 32(6) - If this testimony is admitted the Plaintiff contends that in fairness 57:16-58:1 should be presented at the same time to complete the testimony and avoid confusion or misleading the jury.	
DEF COUNTER	Edwards, Bill 04/11/2017	58:24-59:06			
DEF COUNTER	Edwards, Bill 04/11/2017	59:10-60:10	Sustain	FRE 403 - The answer is nonresponsive, self serving and is unfairly prejudicial.	



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Bill 04/11/2017	60:15-61:01	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and GX filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and GX filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
PL AFFIRM	Edwards, Bill 04/11/2017	61:04-61:12	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and GX filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and GX filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
PL AFFIRM	Edwards, Bill 04/11/2017	62:03-62:08	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and GX filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and GX filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Bill 04/11/2017	62:11-63:10	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and GXZ filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and GXZ filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
PL AFFIRM	Edwards, Bill 04/11/2017	63:13-63:24	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and GXZ filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and GXZ filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
PL AFFIRM	Edwards, Bill 04/11/2017	64:09-64:18	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and GXZ filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and GXZ filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
PL AFFIRM	Edwards, Bill 04/11/2017	64:21-65:07			
PL AFFIRM	Edwards, Bill 04/11/2017	65:19-65:24			
PL AFFIRM	Edwards, Bill 04/11/2017	72:18-73:10	Sustain	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists.	This question is relevant to the witness' experience, his level of performance as a sales representative for Bard, his potential bias and his credibility. It is not unfairly prejudicial. The testimony assists in explaining his credentials and relates to his familiarity with Bard's IVC Filter and the success of his interactions with the physicians in his territory.

Edwards, Bill 4.11.17 PL

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Edwards, Bill 04/11/2017	76:16-77:03		Please refer to the objections to 77:10-77:21, below.	
DEF COUNTER	Edwards, Bill 04/11/2017	77:06-77:21	Override	FRE 403, 602, 701, 702 & 802 - 77:10-77:21 - Starting with "like all filters" and ending at "sources" is not responsive. The question is specific to the higher rate of failures for the Recovery filter as compared to other filters and his statements about the MAUDE data base lack a proper foundation and is speculation by this witness. His comments about the MAUDE data base are hearsay. The testimony is not reliable, it is unfairly prejudicial, confusing and misleading.	
PL AFFIRM	Edwards, Bill 04/11/2017	78:04-78:16	Sustain	This designation violates the Court's ruling the MLL regarding Recovery migration deaths. Rules 401, 402, 403 - Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter and/or death. This testimony is irrelevant and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and G2X filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and G2X filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
PL AFFIRM	Edwards, Bill 04/11/2017	78:19-79:02	Sustain	Rules 401, 402, 403 - Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter and/or death. This testimony is irrelevant and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and G2X filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and G2X filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
PL AFFIRM	Edwards, Bill 04/11/2017	79:16-80:11	Override	Rule 602 - witness does not have personal knowledge of this document. See, 79:15. Rules 401, 402, 403 - Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter and/or death. This testimony is irrelevant and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and G2X filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and G2X filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Bill 04/11/2017	80:14-81:02	Override	Rule 602 - witness does not have personal knowledge of this document. See, 79:15. Rules 401, 402, 403 - Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter and/or death. This testimony is irrelevant and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and GXZ filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and GXZ filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
PL AFFIRM	Edwards, Bill 04/11/2017	81:05-82:01	Override	Rule 602 - witness does not have personal knowledge of this document. See, 79:15. Rules 401, 402, 403 - Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter and/or death. This testimony is irrelevant and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and GXZ filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and GXZ filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
DEF COUNTER	Edwards, Bill 04/11/2017	83:01-83:06	Sustain	FRE 403 - The proposed testimony is taken out of context and improperly edits the question asked. The proposed testimony changes the testimony by altering the context and meaning of the response. The proposed testimony improperly edits the question asked and changes the meaning and context of the response. As designated the testimony is unfairly prejudicial, misleading and likely to confuse the jury. FRCP 32(6) - If this testimony is admitted the Plaintiff contends that in fairness the entire question needs to be included beginning at 82:11-83:6 and the follow-up question and answer at 83:19-84:9 & 84:12-84:14 should be presented at the same time to complete the testimony and avoid confusion or misleading the jury.	
DEF COUNTER	Edwards, Bill 04/11/2017	83:10-83:18	Sustain	FRE 403 - The proposed testimony is taken out of context and improperly edits the question asked. The proposed testimony changes the testimony by altering the context and meaning the response. As designated the testimony is unfairly prejudicial, misleading and likely to confuse the jury. FRCP 32(6) - If this testimony is admitted the Plaintiff contends that in fairness the entire question needs to be included beginning at 82:11-83:6 and the follow-up question and answer at 83:19-84:9 & 84:12-84:14 should be presented at the same time to complete the testimony and avoid confusion or misleading the jury.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Bill 04/11/2017	84:15-85:12	Overrule	This designation violates the Court's ruling on the MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter and/or death. This testimony is irrelevant and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed. Rule 611 compound question. Rule 611 assumes facts not in evidence.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and G2X filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and G2X filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
PL AFFIRM	Edwards, Bill 04/11/2017	85:17-86:03 Redact the word "death" at line 6.	Overrule	This designation and the exhibit violate the Court's ruling on the MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter and/or death. This testimony is irrelevant and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Plaintiff incorporates his running response to objections from above as though fully stated herein. This questions asks the witness if he has training in statistics. IT does not reference any document of call for speculation. The inquiry is a follow-up to the witness' comment regarding statistical significance in the prior response. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde.
PL AFFIRM	Edwards, Bill 04/11/2017	86:11-86:22	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter and/or death. This testimony is irrelevant and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and G2X filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and G2X filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.
PL AFFIRM	Edwards, Bill 04/11/2017	87:01-87:10	Overrule	This designation and the exhibit violate the Court's ruling on the MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter and/or death. This testimony is irrelevant and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Plaintiff incorporates his running response to objections from above as though fully stated herein. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery, G2, and G2X filters as predicate devices. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery, G2, and G2X filters' complications, testing and design is relevant and is not outweighed by any unfair prejudice. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. All failures experienced by the predicate filters are relevant to the assessment of the defects in the design of the filter and warnings given about the filter and whether Bard acted with reasonable care. Mr. Peterson experienced migration, perforation embedment and fracture. A strut from the filter remains embedded in his L3 vertebral body. The testimony as to how Bard responded to the complications experienced in the predicate devices is directly relevant to whether the company acted with reasonable care as the Eclipse filter was the result of those decisions and the Defendants' conduct in response to those issues. The evidence is relevant the issue of negligence without regard to the existence of any punitive damage claim.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Edwards, Bill 04/11/2017	102:04-102:22	Sustain	FRE 403 -The proposed testimony is taken out of context and improperly edits the question asked. The proposed testimony changes the testimony by altering the context and meaning the response. As designated the testimony is unfairly prejudicial, misleading and likely to confuse the jury. FRECP 32(6) - If this testimony is admitted the Plaintiff contends that in fairness the entire question needs to be included from the beginning at 101:15-102:07 to complete the testimony and avoid confusion or misleading the jury.	
PL AFFIRM	Edwards, Bill 04/11/2017	102:24-103:03	Overrule	Rules 601/602 & 612 Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness was shown a document that he specifically testified he's never seen before and plaintiff has designated portions of his testimony about that. See 99:20-99:24.	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters, what Bard told him about the IVC filters and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked whether he told physicians the G2 had more complications than the Simon Nitinol Filter. That does not call for speculation.
PL AFFIRM	Edwards, Bill 04/11/2017	103:06-103:20	Sustain	Rules 601/602 & 612 Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness was shown a document that he specifically testified he's never seen before and plaintiff has designated portions of his testimony about that. See 99:20-99:24. Additionally, lines 103:23-24 are a portion of a question and the testimony is nonsensical as designated.	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters, what Bard told him about the IVC filters and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked whether he discussed with physicians that the G2 had more complications than the Simon Nitinol Filter. That does not call for speculation.
DEF COUNTER	Edwards, Bill 04/11/2017	103:12-103:18	Sustain	FRE: 403 -Plaintiff objects to all cumulative testimony which repeats testimony designated and offered by Plaintiff during his direct examination. The probative value of such a duplicate presentation of testimony, if any, is substantially outweighed by undue delay, wasting of time and/or needlessly presenting cumulative evidence. The Plaintiff has introduced this question and the answer in his direct. With this designation the Defendant attempts to "borrow" the question from page 103 and graft it to a separate question and answer given on page 105. The result is the answer to 103:13-103:18 is not included and the Defense seeks to create new testimony which was not obtained during the deposition and was not subject to any possible objection or cross examination. As designated the testimony is unfairly prejudicial, misleading and likely to confuse the jury.	
PL AFFIRM	Edwards, Bill 04/11/2017	104:08-105:09			
DEF COUNTER	Edwards, Bill 04/11/2017	105:10-106:03	Overrule	FRE 403 -The answer to 105:21-106:03 found at 106:06-106:11 is nonresponsive, self serving and is unfairly prejudicial. The question specific as to whether the sales representative discussed complication rates other G2 or Recovery filter with implanting physician and does not ask about "the class of filters".	
DEF COUNTER	Edwards, Bill 04/11/2017	106:06-106:11	Overrule	FRE 403 -The answer to 105:21-106:03 found at 106:06-106:11 is nonresponsive, self serving and is unfairly prejudicial. The question specific as to whether the sales representative discussed complication rates other G2 or Recovery filter with implanting physician and does not ask about "the class of filters".	
DEF COUNTER	Edwards, Bill 04/11/2017	107:10-107:14			
DEF COUNTER	Edwards, Bill 04/11/2017	107:17-107:22			
DEF COUNTER	Edwards, Bill 04/11/2017	108:01-108:07			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Bill 04/11/2017	108:08-108:15			
PL AFFIRM	Edwards, Bill 04/11/2017	109:02-109:15			
PL AFFIRM	Edwards, Bill 04/11/2017	109:22-110:03			
PL AFFIRM	Edwards, Bill 04/11/2017	110:13-110:16	Override	Rules 601/602 & 612 Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness is being asked to provide testimony regarding a document he specifically testifies that he has never seen before (111:2-3).	Plaintiff incorporates his running response to objections from above as though fully stated herein. This question and answer do not relate to any document and just asks the witness if he knows who another Bard employee is. It does not lack a proper foundation or call for speculation.
PL AFFIRM	Edwards, Bill 04/11/2017	110:21-111:10	Override	Rules 601/602 & 612 Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness is being asked to provide testimony regarding a document he specifically testifies that he has never seen before (111:2-3).	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters, what Bard told him about the IVC filters and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked what Bard told him. That does not call for speculation.
PL AFFIRM	Edwards, Bill 04/11/2017	111:24-112:18	Override	Rules 601/602 & 612 Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness is being asked to provide testimony regarding a document he specifically testifies that he has never seen before (111:2-3).	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters, what Bard told him about the IVC filters and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked what Bard told him. That does not call for speculation.
PL AFFIRM	Edwards, Bill 04/11/2017	112:21-113:03	Override	Rules 601/602 & 612 Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness is being asked to provide testimony regarding a document he specifically testifies that he has never seen before (111:2-3).	Plaintiff incorporates his running response to objections from above as though fully stated herein. This witness was a territory manager who was later promoted to field manager for Bard. As a territory manager and field manager he had responsibility for the direct sales of Bard's IVC filters to implanting physicians including Dr. Goodman, the physician who placed Mr. Peterson's filter. As a Field Manager he had the added responsibility of training other territory managers who sold Bard products including the IVC filters. As a sales representative directly responsible for selling the IVC filters to doctors and as a filed manager responsible for training other sales representative, what the witness knew about the IVC filters, what Bard told him about the IVC filters and what Bard did not tell him about the IVC filters is relevant to Bard's obligation to exercise reasonable care and whether Bard provided proper warnings regarding the IVC filters. The witness was asked what Bard told him. That does not call for speculation.
DEF COUNTER	Edwards, Bill 04/11/2017	125:10-125:19	Sustain	FRE 401, 402, 403, 602, 701, 702, 802 & 805 - 125:10-126:14 - The witness' testimony lacks a proper foundation and is speculation by the witness. He does not know if doctors or hospitals access the MAUDE data base, he does not know what conversations they have with colleagues of what representative so "different companies" tell them. The witness admits he "cannot speak to" their decision making process. The assertions "about conversations physicians or hospital staff may have with other is hearsay and hearsay within hearsay. The testimony is not reliable, it is unfairly prejudicial, confusing and misleading.	



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Edwards, Bill 04/11/2017	125:22-126:14	Sustain	FRE 401,402,403, 602, 701, 702, 802 & 805- 125:10-126:14 - The witness' testimony lacks a proper foundation and is speculation by the witness. He does not know if doctors or hospitals access the MAUDE data base, he does not know what conversations they have with colleagues of what representative so "different companies" tell them. The witness admits he "cannot speak to" their decision making process. The assertions "about conversations physicians or hospital staff may have with other is hearsay and hearsay within hearsay. The testimony is not reliable, it is unfairly prejudicial, confusing and misleading.	
PL AFFIRM	Edwards, Bill 04/11/2017	126:15-127:10			
PL AFFIRM	Edwards, Bill 04/11/2017	127:13-128:09			
PL AFFIRM	Edwards, Bill 04/11/2017	128:12-128:14			
PL AFFIRM	Edwards, Bill 04/11/2017	140:18-140:24 Starting with "Would you"			
PL AFFIRM	Edwards, Bill 04/11/2017	141:03-141:07			
DEF COUNTER	Edwards, Bill 04/11/2017	141:08-141:13			
DEF COUNTER	Edwards, Bill 04/11/2017	141:16-141:20			
PL AFFIRM	Edwards, Bill 04/11/2017	145:11-147:03			
PL AFFIRM	Edwards, Bill 04/11/2017	147:06-147:09			
DEF COUNTER	Edwards, Bill 04/11/2017	172:17-173:01	Overrule	FRE 403 - The answer to the question at 172:17-173:01 is nonresponsive, self serving and is unfairly prejudicial. The question was specific as to what conversations the witness had with implanting physician or staff at the facility where the filter was placed not for an explanation what he viewed his job responsibilities to be or how he believes doctors derive their decisions. FRE 401,402,403, 602, 701, 702, 802 & 805- 125:10-126:14 - The witness' testimony lacks a proper foundation and is speculation by the witness. He does not know "what doctors pick-up" etc., The witness previously testified he "cannot speak to" their decision making process. The testimony contains hearsay and hearsay within hearsay. The testimony is not reliable, it is unfairly prejudicial, confusing and misleading.	
DEF COUNTER	Edwards, Bill 04/11/2017	173:04-173:12	Overrule	FRE 403 - The answer to the question at 172:17-173:01 is nonresponsive, self serving and is unfairly prejudicial. The question was specific as to what conversations the witness had with implanting physician or staff at the facility where the filter was placed not for an explanation what he viewed his job responsibilities to be or how he believes doctors derive their decisions. FRE 401,402,403, 602, 701, 702, 802 & 805- 125:10-126:14 - The witness' testimony lacks a proper foundation and is speculation by the witness. He does not know "what doctors pick-up" etc., The witness previously testified he "cannot speak to" their decision making process. The testimony contains hearsay and hearsay within hearsay. The testimony is not reliable, it is unfairly prejudicial, confusing and misleading.	
PL AFFIRM	Edwards, Bill 04/11/2017	173:17-174:02			
PL AFFIRM	Edwards, Bill 04/11/2017	174:05-174:06			



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Edwards, Bill 04/11/2017	7:18-7:20			
DEF AFFIRM	Edwards, Bill 04/11/2017	20:01-21:12			
DEF AFFIRM	Edwards, Bill 04/11/2017	21:24-22:13			
DEF AFFIRM	Edwards, Bill 04/11/2017	23:12-23:18			
DEF AFFIRM	Edwards, Bill 04/11/2017	37:19-38:02	Overrule	Relevance questions/testimony relating to FDA 510k approval are not relevant as 510k clearance is not a determination of safety or effectiveness. Further, evidence or reference to 510k approval could mislead and confuse the jury. Plaintiff incorporates his Motion in Limine on the issue.	Defendant incorporates its Response to Plaintiff's Motion in Limine.
DEF AFFIRM	Edwards, Bill 04/11/2017	38:05-38:16	Overrule	Relevance questions/testimony relating to FDA 510k approval are not relevant as 510k clearance is not a determination of safety or effectiveness. Further, evidence or reference to 510k approval could mislead and confuse the jury. Plaintiff incorporates his Motion in Limine on the issue.	Defendant incorporates its Response to Plaintiff's Motion in Limine.
DEF AFFIRM	Edwards, Bill 04/11/2017	38:19-39:05	Overrule	Relevance questions/testimony relating to FDA 510k approval are not relevant as 510k clearance is not a determination of safety or effectiveness. Further, evidence or reference to 510k approval could mislead and confuse the jury. Plaintiff incorporates his Motion in Limine on the issue.	Defendant incorporates its Response to Plaintiff's Motion in Limine.
DEF AFFIRM	Edwards, Bill 04/11/2017	104:08-105:20			
DEF AFFIRM	Edwards, Bill 04/11/2017	106:19-107:01			
DEF AFFIRM	Edwards, Bill 04/11/2017	107:04-107:09			
DEF AFFIRM	Edwards, Bill 04/11/2017	107:18-107:22			
DEF AFFIRM	Edwards, Bill 04/11/2017	108:01-108:21			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				Bard objects to this testimony in its entirety. Ms Edwards left Bard 7 years before the Eclipse filter at issue in this case was implanted and her testimony relates to regulatory submissions regarding the Recovery filter.	
PL AFFIRM	Edwards, Mary 01/20/2014	7:03-7:05			
PL AFFIRM	Edwards, Mary 01/20/2014	22:11-22:14			
PL AFFIRM	Edwards, Mary 01/20/2014	23:03-23:04			
PL AFFIRM	Edwards, Mary 01/20/2014	23:07			
PL AFFIRM	Edwards, Mary 01/20/2014	26:17-26:19			
PL AFFIRM	Edwards, Mary 01/20/2014	32:08-32:22			
PL AFFIRM	Edwards, Mary 01/20/2014	34:12-34:20			
PL AFFIRM	Edwards, Mary 01/20/2014	35:09-35:14			
PL AFFIRM	Edwards, Mary 01/20/2014	35:20			
PL AFFIRM	Edwards, Mary 01/20/2014	36:10-36:14			
PL AFFIRM	Edwards, Mary 01/20/2014	38:04-38:21	Overrule	Rules 401, 402, 403. Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct and efforts in development of the Recovery Filter (which is not at issue); Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. see 38:22-39:2. This testimony relates to a witness that left Bard 7 years before the plaintiff's filter was implanted and a regulatory submission related to the Recovery filter, which is not at issue in this case. This testimony has no relevance to the facts of this case, particularly given that plaintiff's punitive damages claim has been dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially the Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	38:22-39:02 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	46:13-46:18			
PL AFFIRM	Edwards, Mary 01/20/2014	58:03-58:08 Redact "causing death" (58 5)	Sustain	Even with death redacted this testimony is not relevant to the issue or filter in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	58:11-58:13 subject to objection Delete "another death from" on lines 11 and 12. On line 13 stop after clot			
DEF COUNTER	Edwards, Mary 01/20/2014	58:17-58:24 subject to objection			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Mary 01/20/2014	59:24-60:06	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	60:07-60:17 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	69:09-69:15 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	69:17 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	69:19-69:23 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	69:24-70:06			
DEF COUNTER	Edwards, Mary 01/20/2014	70:07-71:03 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	71:21-71:25			
DEF COUNTER	Edwards, Mary 01/20/2014	72:15-73:13 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	73:14-73:23			
PL AFFIRM	Edwards, Mary 01/20/2014	74:02-74:08			
DEF COUNTER	Edwards, Mary 01/20/2014	74:09-74:12 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	74:13-74:14			
DEF COUNTER	Edwards, Mary 01/20/2014	77:09-77:19 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	77:20-77:23	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 77:9-16. The witness is being asked about facts and circumstances about which she has no personal knowledge. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	77:24-78:11 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	78:12-79:04	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 77:9-78:2. The witness is being asked about facts and circumstances about which she has no personal knowledge. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	80:04-80:08			
DEF COUNTER	Edwards, Mary 01/20/2014	80:09-80:19 subject to objection			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Mary 01/20/2014	80:20-80:22	Sustain	Improper designation. Plaintiff has designated an answer but not a question.	
PL AFFIRM	Edwards, Mary 01/20/2014	98:24-99:03			
DEF COUNTER	Edwards, Mary 01/20/2014	99:04-99:15 subject to objection	Sustain	99:12-15 non-responsive	
PL AFFIRM	Edwards, Mary 01/20/2014	99:17-100:01			
DEF COUNTER	Edwards, Mary 01/20/2014	100:02-100:06 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	118:15-118:23			
PL AFFIRM	Edwards, Mary 01/20/2014	119:04-119:06			
PL AFFIRM	Edwards, Mary 01/20/2014	156:16-156:21	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony relates to Bard's financial information, which is irrelevant, particularly with Plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	156:24	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony relates to Bard's financial information, which is irrelevant, particularly with Plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	157:01-157:07	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony relates to Bard's financial information, which is irrelevant, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403: Irrelevant and Unfairly prejudicial.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	157:09-157:11	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony relates to Bard's financial information, which is irrelevant, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403: Irrelevant and Unfairly prejudicial.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	187:22-188:03			
DEF COUNTER	Edwards, Mary 01/20/2014	188:04-188:08 subject to objection	Overrule	Rule 602 - calls for speculation	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Mary 01/20/2014	193:08-193:13	Overrule	This testimony relates to cephalad migration of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	197:20-198:01	Overrule	Rules 601/602 & 612 Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	199:13-200:01 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	200:02-200:07	Overrule	Rules 601/602 & 612 Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See page 199 and prior pages. The witness has repeatedly indicated she's not familiar with the document at issue. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	203:13-204:12 Redact "it also is a migration associated with a death," (203:19-20) & "this reported death in" (203:24-25) & "because now we have a death," (204:8)	Sustain	This designation is nonsensical as edited and does not relate to issues in this case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	204:18-204:25 Subject to objection Redact "deaths and" on line 22			
PL AFFIRM	Edwards, Mary 01/20/2014	206:07-206:19	Overrule	The document discussed violates the Court's Ruling on the Mill regarding Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	206:20-207:24 subject to objection			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Edwards, Mary 01/20/2014	209:15-209:22 subject to objection delete "and deaths" on 209:17	Sustain	209:21-22 non-responsive	
DEF COUNTER	Edwards, Mary 01/20/2014	209:25-210:10 subject to objection	Sustain	209:21-22 non-responsive	
DEF COUNTER	Edwards, Mary 01/20/2014	210:14-210:15 subject to objection	Sustain	209:21-22 non-responsive	
PL AFFIRM	Edwards, Mary 01/20/2014	210:02-210 07 subject to objection	Overrule	This testimony relates to cephalad migrations of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	214:14-214:16 Starting at "How about"	Overrule	This testimony relates to cephalad migrations of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed. Plaintiff's counsel's questions related to migration and death, which are not at issue in this case, are overly prejudicial and not relevant, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	214:19-214:25 Redact "and an infinite number more deaths" (214:24)	Overrule	This testimony relates to cephalad migrations of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed. Plaintiff's counsel's questions related to migration and death, which are not at issue in this case, are overly prejudicial and not relevant, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	215:03-215:11			
DEF COUNTER	Edwards, Mary 01/20/2014	215:12-216:04 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	216:05-216 09 subject to objection	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed. Plaintiff's counsel's questions related to migration and death, which are not at issue in this case, are overly prejudicial and not relevant, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	224:08-225:04 subject to objection			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Mary 01/20/2014	225:05-225:10 Redact "and deaths" (225:6)	Overrule	This testimony relates to cephalad migrations of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	230:07-230:11	Overrule	Rules 601/602 & 612 Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The witness is being asked about an email to which she was not a party and has no personal knowledge. The author of the email in question has been deposed and, if the Court allows testimony related to the Recovery filter and migration related fatalities, the email's author is the appropriate witness to testify regarding its contents. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	233:22-234:03			
PL AFFIRM	Edwards, Mary 01/20/2014	238:09-238:24	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	238:25-239:04 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	241:15-242:05 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	244:02-244:18 subject to objection	Overrule	244:6-9 Rule 602	
PL AFFIRM	Edwards, Mary 01/20/2014	244:19-244:23	Sustain	Rules 601/602 & 612 Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 241:15-242:5, 244:10-244:18. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	245:20-246:06	Sustain	Rules 601/602 & 612 Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 241:15-242:5, 244:10-244:18. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.

Edwards, Mary 1 20 14

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Mary 01/20/2014	255:08-256:24	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 241:15-242:5, 244:10-244:18. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	257:03-257:08	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 241:15-242:5, 244:10-244:18. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	315:01-315:25	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	316:15-316:20	Overrule	This testimony relates to cephalad migrations of the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	322:01-322:20	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Mary 01/20/2014	323:20-323:25	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	331:13-331:24	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	332:01-332:04	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	332:05-334:06 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	334:24-335:04	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	335:14-335:18	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	335:18-335:21 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	336:18-337:03 subject to objection	Sustain	336:21-337:2 - non-responsive	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Mary 01/20/2014	337:04-337:15	Override	Argumentative and harassing. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	337:19-337:20	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications. Further, the witness has established her knowledge of the subject matter of the question through her own testimony.
DEF COUNTER	Edwards, Mary 01/20/2014	346:16-346:19 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	346:21-347:22 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	347:24-348:09 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	348:10-348:16	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications. Further, the witness has established her knowledge of the subject matter of the question through her own testimony.
DEF COUNTER	Edwards, Mary 01/20/2014	349:02-349:21 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	349:23-350:01 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	350:02-350:07	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications. Further, the witness has established her knowledge of the subject matter of the question through her own testimony.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Mary 01/20/2014	350:14-350:17	Overrule	Rules 607/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications. Further, the witness has established her knowledge of the subject matter of the question through her own testimony.
DEF COUNTER	Edwards, Mary 01/20/2014	350:18-350:22 subject to objection			
PL AFFIRM	Edwards, Mary 01/20/2014	350:23-350:25	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	353:07-353:12	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
PL AFFIRM	Edwards, Mary 01/20/2014	353:14	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	353:15-353:22 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	353:25-354:01 subject to objection			
DEF COUNTER	Edwards, Mary 01/20/2014	358:01-358:14 subject to objection			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Edwards, Mary 01/20/2014	358:15-358:25 Redact "deaths" (358:17)	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications.
DEF COUNTER	Edwards, Mary 01/20/2014	365:03-365:17 subject to objection	Overrule	Rules 601/602 & 612 Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. She no longer worked at Bard when it was written. See, 366:5-7. The witness is asked about a document that post-dates her employment at Bard and about which she has no personal knowledge. See 366:1-7. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications. Further, the witness has established her knowledge of the subject matter of the question through her own testimony.
PL AFFIRM	Edwards, Mary 01/20/2014	382:07-382:11	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications. Further, the witness has established her knowledge of the subject matter of the question through her own testimony.
PL AFFIRM	Edwards, Mary 01/20/2014	382:13-382:18	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. The Recovery filter is not at issue in this case. This testimony is irrelevant, confusing, and overly prejudicial, particularly with plaintiff's punitive damages claim dismissed.	Fracture, migration, perforation and death are risks involved in the use of the Recovery and Eclipse filters and are relevant to whether there is a design defect. Fracture, migration, perforation and death are also dangers of the Eclipse filter that were known to Bard, and the risk of fracture, migration and death associated with the filters rendered the Eclipse and are relevant to each of Plaintiff's claim. The Eclipse is essentially a Eclipse design. Bard's entire case rests upon the idea that the filter was cleared by the FDA. The only Bard filter that was cleared, went through the 510(k) process that was pushed through by Susan Alpert, whom Bard hired after she left the FDA having been in charge of the medical device section. Everything that happened to the filter from the recovery to the Eclipse is relevant in this case because each filter is essentially the same with minor modifications. Further, the witness has established her knowledge of the subject matter of the question through her own testimony.
DEF COUNTER	Edwards, Mary 01/20/2014	382:19-382:21 subject to objection			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				* Plaintiffs maintain that evidence of the 510(k) clearance process should be excluded in its entirety, as will be addressed in Plaintiffs' motion in limine. This designation is made conditionally and will be withdrawn if the Court grants Plaintiffs' motion to exclude such evidence.	
DEF BLANKET OBJECTION				The testimony in this deposition relates entirely, or in significant part, to the design of the Recovery filter and actions taken regarding that filter. Bard objects to the testimony under Rules 401, 402 and 403 and for the reasons set forth in its MIL #2. The testimony is largely focused on alleged "bad acts" relating to the Recovery filter.	
PL AFFIRM	Ganser, Chris 10/11/2016	6:24-7:02			
PL AFFIRM	Ganser, Chris 10/11/2016	7:08-7:10			
PL AFFIRM	Ganser, Chris 10/11/2016	14:13-14:23 beginning "You were..."			
DEF COUNTER	Ganser, Chris 10/11/2016	14:18-15:08			
PL AFFIRM	Ganser, Chris 10/11/2016	36:15-37:02	Sustain	Rules 401, 402, 403-there is no failure to recall claim. Testimony does not relate to filter at issue or time period when the filter at issue was on the market.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embedment. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	45:12-46:05	Override	Rules 401, 402 and 403. There is no allegation in this case that the Eclipse filter was adulterated.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embedment. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	46:11-46:12	Override	Rules 401, 402 and 403. There is no allegation in this case that the Eclipse filter was adulterated.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embedment. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	46:16-46:21	Override	Rules 401, 402 and 403. There is no allegation in this case that the Eclipse filter was adulterated.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embedment. This testimony goes directly to the issues of Bard's design and warning failures.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Ganser, Chris 10/11/2016	49:06-49:08	Overrule	Rules 401, 402, 403. There is no allegation in this case that the Eclipse filter was adulterated.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embedment. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	49:15-49:21	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embedment. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	50:11-50:24	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
DEF COUNTER	Ganser, Chris 10/11/2016	51:01-51:09	Overrule	FRE 402/403: testimony regarding the FDA clearance process is irrelevant, and more prejudicial and potentially confusing than probative, for the reasons discussed in Plaintiff's motion in limine to exclude reference to the FDA clearance process.	
DEF COUNTER	Ganser, Chris 10/11/2016	52:02-53:07			
PL AFFIRM	Ganser, Chris 10/11/2016	53:08-54:01	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embedment. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	54:15-54:24	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embedment. This testimony goes directly to the issues of Bard's design and warning failures.
DEF COUNTER	Ganser, Chris 10/11/2016	55:01-55:10 subject to objection			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Ganser, Chris 10/11/2016	55:14-55:21	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	57:19-57:23*			
PL AFFIRM	Ganser, Chris 10/11/2016	58:10-58:14			
PL AFFIRM	Ganser, Chris 10/11/2016	58:17			
PL AFFIRM	Ganser, Chris 10/11/2016	71:05-71:18			
PL AFFIRM	Ganser, Chris 10/11/2016	beginning "I'm going..."			
PL AFFIRM	Ganser, Chris 10/11/2016	73:11-73:18			
PL AFFIRM	Ganser, Chris 10/11/2016	beginning "And..."			
PL AFFIRM	Ganser, Chris 10/11/2016	74:12-74:19			
PL AFFIRM	Ganser, Chris 10/11/2016	beginning "You know..."			
PL AFFIRM	Ganser, Chris 10/11/2016	81:17-82:01	Sustain	Rule 401, 502 and 403-the duty to warn in Oregon goes to the physician no the patient- this implies that Bard had a duty to the plaintiff	no such implication in the question.
PL AFFIRM	Ganser, Chris 10/11/2016	83:04-83:09			
PL AFFIRM	Ganser, Chris 10/11/2016	83:21-84:05			
PL AFFIRM	Ganser, Chris 10/11/2016	94:21-95:09			
PL AFFIRM	Ganser, Chris 10/11/2016	Redact "about a death" (94:23)			
PL AFFIRM	Ganser, Chris 10/11/2016	108:13-108:19			
PL AFFIRM	Ganser, Chris 10/11/2016	121:12-122:02			
DEF COUNTER	Ganser, Chris 10/11/2016	122:04-124:01	Overrule	(122:04-14) Objection to designation of answer without a question.	
PL AFFIRM	Ganser, Chris 10/11/2016	123:19-124:10			
DEF COUNTER	Ganser, Chris 10/11/2016	125:12-125:18			
DEF COUNTER	Ganser, Chris 10/11/2016	126:02-126:10			
PL AFFIRM	Ganser, Chris 10/11/2016	128:02-128:15			
PL AFFIRM	Ganser, Chris 10/11/2016	133:09-133:23 Redact "and to potentially cause death" (133:12)	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.
DEF COUNTER	Ganser, Chris 10/11/2016	152:08-152:15	Overrule	FRE 602/702: Witness lacks personal knowledge to answer and is not qualified as an expert to give this testimony. FRE 402/403: testimony that filters stop clots is inadmissible for the reasons discussed in Plaintiffs' omnibus motion in limine.	
DEF COUNTER	Ganser, Chris 10/11/2016	156:24-157:07 subject to objections	Overrule	FRE 602/702: Witness lacks personal knowledge to answer and is not qualified as an expert to give this testimony. FRE 402/403: testimony that filters stop clots is inadmissible for the reasons discussed in Plaintiffs' omnibus motion in limine.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Ganser, Chris 10/11/2016	157:19-158:20	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	170:13-170:22	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	173:19-174:01	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	174:15-174:22 beginning ("do you recognize")	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	182:02-182:19 Redact 182:5-182:8	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. There is no allegation of internal bleeding in this case and witness is discussing the Recovery filter.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures. Perforation by definition includes internal bleeding. It is a matter of degree only. The reference is not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The 12/17/2004 HHE was admitted with redactions in Jones and Hyde.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Ganser, Chris 10/11/2016	195:06-195:10 subject to objections			
DEF COUNTER	Ganser, Chris 10/11/2016	195:12-195:16 subject to objections			
PL AFFIRM	Ganser, Chris 10/11/2016	199:08-199:17	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. There is no allegation of internal bleeding in this case and witness is discussing the Recovery filter.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures. Mr. Peterson suffered serious life threatening gastrointestinal bleed from the filter perforating his duodenum.
PL AFFIRM	Ganser, Chris 10/11/2016	208:23-209:07			
PL AFFIRM	Ganser, Chris 10/11/2016	209:22-210:02			
PL AFFIRM	Ganser, Chris 10/11/2016	211:20-212:13			
PL AFFIRM	Ganser, Chris 10/11/2016	212:16-212:20			
PL AFFIRM	Ganser, Chris 10/11/2016	214:17-214:23 Starting with "So now"	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Ganser, Chris 10/11/2016	215:23-216:07 Redact "including one death" (216:1)	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.
DEF COUNTER	Ganser, Chris 10/11/2016	217:02-217:07 subject to objections			
PL AFFIRM	Ganser, Chris 10/11/2016	237:18-238:02 Redact "and death" (237:23) & "or death" (238:2)	Overrule	Improper question-implies witness is not under oath. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Also, implies that duty to warn is to the patient.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Ganser, Chris 10/11/2016	238:04-238:05	Overrule	Improper question-implies witness is not under oath. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Also, implies that duty to warn is to the patient.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.
DEF COUNTER	Ganser, Chris 10/11/2016	253:20-254:01 subject to objections			
PL AFFIRM	Ganser, Chris 10/11/2016	254:02-254:08	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture and embolism. This testimony goes directly to the issues of Bard's design and warning failures.
DEF COUNTER	Ganser, Chris 10/11/2016	254:09-254:16 subject to objections			
PL AFFIRM	Ganser, Chris 10/11/2016	291:14-292:03			
PL AFFIRM	Ganser, Chris 10/11/2016	293:05-293:12			
PL AFFIRM	Ganser, Chris 10/11/2016	295:15-296:01			
PL AFFIRM	Ganser, Chris 10/11/2016	296:08-296:16 Redact "or death" (296:14)			
PL AFFIRM	Ganser, Chris 10/11/2016	296:22-297:10			
PL AFFIRM	Ganser, Chris 10/11/2016	298:03-298:06			
PL AFFIRM	Ganser, Chris 10/11/2016	299:01-299:06			
PL AFFIRM	Ganser, Chris 10/11/2016	300:11-301:03			
PL AFFIRM	Ganser, Chris 10/11/2016	301:05-301:13			
PL AFFIRM	Ganser, Chris 10/11/2016	301:15-301:21			
PL AFFIRM	Ganser, Chris 10/11/2016	302:14-302:21			
PL AFFIRM	Ganser, Chris 10/11/2016	324:21-324:23			
PL AFFIRM	Ganser, Chris 10/11/2016	326:23-327:09	Sustain	Rules 401, 402 and 403	The witness's hours of preparation with Bard lawyers goes to his credibility.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	11:12-11:17			
PL AFFIRM	Garcia, David 6/18/2020	14:21-14:23			
PL AFFIRM	Garcia, David 6/18/2020	15:15-15:16			
PL AFFIRM	Garcia, David 6/18/2020	15:24-16:05 beginning with "And your"			
PL AFFIRM	Garcia, David 6/18/2020	16:14-16:21			
PL AFFIRM	Garcia, David 6/18/2020	16:22-17:01 beginning with "And where"			
PL AFFIRM	Garcia, David 6/18/2020	18:20-19:03			
PL AFFIRM	Garcia, David 6/18/2020	19:18-20:07			
PL AFFIRM	Garcia, David 6/18/2020	20:09-21:01			
PL AFFIRM	Garcia, David 6/18/2020	21:05-21:13			
PL AFFIRM	Garcia, David 6/18/2020	21:20-21:23			
PL AFFIRM	Garcia, David 6/18/2020	22:02-23:07 beginning with "Just Briefly"			
DEF COUNTER	Garcia, David 6/18/2020	23:08-23:16			
PL AFFIRM	Garcia, David 6/18/2020	23:17-24:07			
PL AFFIRM	Garcia, David 6/18/2020	24:21-25:14 beginning with "Just did"			
PL AFFIRM	Garcia, David 6/18/2020	25:24-26:18			
PL AFFIRM	Garcia, David 6/18/2020	26:22-29:01			
PL AFFIRM	Garcia, David 6/18/2020	29:07-29:12			
PL AFFIRM	Garcia, David 6/18/2020	29:21-30:17			
PL AFFIRM	Garcia, David 6/18/2020	31:01-32:23			
PL AFFIRM	Garcia, David 6/18/2020	33:22-34:02			
PL AFFIRM	Garcia, David 6/18/2020	34:06-34:15			
PL AFFIRM	Garcia, David 6/18/2020	35:24-37:11			
PL AFFIRM	Garcia, David 6/18/2020	38:20-39:14	Overrule	Rule 611(c). Leading question of witness on direct.	
PL AFFIRM	Garcia, David 6/18/2020	39:18			
PL AFFIRM	Garcia, David 6/18/2020	39:20-40:07			
PL AFFIRM	Garcia, David 6/18/2020	40:09-40:22			
PL AFFIRM	Garcia, David 6/18/2020	41:03-41:06			
PL AFFIRM	Garcia, David 6/18/2020	42:04-42:08	Overrule	Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	42:13-42:16	Overrule	Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	42:21-50:15	Overrule	(42:21-46:11) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	51:03-57:25	Overrule	(51:18-57:25) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	58:03-59:01 beginning with "is a"	Overrule	Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	60:18-61:21	Overrule	(60:18-61:21) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	62:14-65:03	Overrule	(62:14-65:03) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	66:05-66:24	Overrule	(66:29-66:24) Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	68:25-69:20	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	70:07-70:12	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	70:20-72:11	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	72:23-73:25	Overrule	(73:21-25) Rule 611(c) Leading question of witness on direct. Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. (74:6-10, 74:25-3) Rule 611(c) Leading question of witness on direct.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	74:06-75:03	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. (74:6-10, 74:25-3) Rule 611(c) Leading question of witness on direct.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	75:08-77:01	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. (75:8-10) Rule 611(c) Leading question of witness on direct. (76:18-77:1) Leading question of witness on direct, compound question, counsel is testifying, Rule 704 Witness is offering opinion on ultimate issue in the case.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	77:04-78:20	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. Rule 611(c) Leading question of witness on direct, compound question, counsel is testifying, Rule 704 Witness is offering opinion on ultimate issue in the case. (78:05-78:24 (ending with "what")) Object to undiscovered expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	1. Whether the product is efficacious (whether it works/saves lives) is relevant to the case and the evaluation of risk/benefit. There is no evidence that the filter is efficacious and this world renowned researcher is setting our the basis for those opinions. This goes to liability for actual damages not punitive damages. The Recovery filter is the initial predicate product for the G2 line of filters which includes the Eclipse. 2. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 3. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant.4. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	79:14-80:14	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. Rule 611(c) Leading question of witness on direct, compound question, counsel is testifying, Rule 704 Witness is offering opinion on ultimate issue in the case. (80:15-81:19) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	81:24-85:21	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. Rule 611(c) Leading question of witness on direct, compound question, counsel is testifying, Rule 704 Witness is offering opinion on ultimate issue in the case. (80:15-81:19) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	85:24-89:06	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. Rule 611(c) Leading question of witness on direct, compound question, counsel is testifying, Rule 704 Witness is offering opinion on ultimate issue in the case. (80:15-81:19) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	89:10-90:06	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that Plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. Rule 611(c) Leading question of witness on direct. Counsel is testifying Rule 611, compound question, leading. Rule 704 witness is offering opinion on the ultimate issue in the case. (89:10-23) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	90:08-92:17	Overrule	(90:08-91:17) Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that Plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	92:20-93:04			
PL AFFIRM	Garcia, David 6/18/2020	93:22-94:01	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that Plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	1. Whether the product is efficacious (whether it works/saves lives) is relevant to the case and the evaluation of risk/benefit. There is no evidence that the filter is efficacious and this world renowned researcher is setting out the basis for those opinions. This goes to liability for actual damages not punitive damages. The Recovery filter is the initial predicate product for the G2 line of filters which includes the Eclipse. 2. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 3. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant. 4. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	94:11-94:22	Overrule	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that Plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	95:02-95:07			
PL AFFIRM <b>Garcia 6 18 20</b>	Garcia, David 6/18/2020	95:11-95:14	Overrule	Rule 611(c) Leading question of witness on direct. Question is compound, vague, and non-sensical. Answer is cut off and unclear.	This is a non-leading question and the answer is relevant. The witness testifies that an RCT could have been performed on the Eclipse.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	95:21-98:02	Override	(96:10-98:2) Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	98:15-102:03	Override	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly (98:15-100:18) Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. (101:21-102:3) Leading, compound question.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	102:09-103:03	Override	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. (102:9) Leading, compound question. 102:20-103:17) Rule 704 Witness is offering opinion on the ultimate issue in the case. (103:18-104:21) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.
PL AFFIRM	Garcia, David 6/18/2020	103:07-103:14	Override	Defendants object on the basis of Rules 401, 402, and 403. Medical literature from 2017, 2018, etc., has no relevance on Plaintiff's claims in this case, which are limited to negligent design and failure to warn claims. Any purported relevance, which is denied, is outweighed by the prejudice and confusion caused by introduction of this literature, as the body of medical literature is constantly evolving and growing, and there are many articles on both sides of this "efficacy" debate. Injection of these articles significantly expands the scope of evidence at this trial, while obfuscating the facts that are actually relevant to Plaintiff's claims, i.e., that Bard was negligent in the design or warning of the filter in 2010, which is when it was implanted in Plaintiff. Particularly given that plaintiff's punitive damages claim has been dismissed, any relevance, which is denied, is outweighed by prejudice and confusion. (102:9) Leading, compound question. 102:20-103:17) Rule 704 Witness is offering opinion on the ultimate issue in the case. (103:18-104:21) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	1. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition. 2. Of course medical literature regarding efficacy of filters is relevant to whether or not filters are efficacious.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	112:03-112:17	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter, nor does it involve morbidly obese patients."	1. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 2. This goes to the risk of the filter involved whether specific to this patient's obesity.
PL AFFIRM	Garcia, David 6/18/2020	113:08-113:19	Sustain	(113:15-113:19) Rules 401, 402, 403 Irrelevant and unfairly prejudicial. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter, nor does it involve morbidly obese patients."	1. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 2. This goes to the risk of the filter involved whether specific to this patient's obesity.
PL AFFIRM	Garcia, David 6/18/2020	113:23-114:02	Sustain	(113:23-114:2) Rules 401, 402, 403 Irrelevant and unfairly prejudicial. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter, nor does it involve morbidly obese patients."	1. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 2. This goes to the risk of the filter involved whether specific to this patient's obesity.
PL AFFIRM	Garcia, David 6/18/2020	114:05-114:09	Sustain	Rules 401, 402, 403 Irrelevant and unfairly prejudicial. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter, nor does it involve morbidly obese patients."	1. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 2. This goes to the risk of the filter involved whether specific to this patient's obesity.
PL AFFIRM	Garcia, David 6/18/2020	114:11-114:22	Sustain	These opinions and subject matter was not properly and timely disclosed by the witness in his MDL report and, pursuant to the procedure and rules employed by Judge Campbell, should not be admissible. (114:18-114:22) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter, nor does it involve morbidly obese patients."	1. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 2. This goes to the risk of the filter involved whether specific to this patient's obesity.
PL AFFIRM	Garcia, David 6/18/2020	114:25-116:05	Override	These opinions and subject matter was not properly and timely disclosed by the witness in his MDL report and, pursuant to the procedure and rules employed by Judge Campbell, should not be admissible. (115:16-116:5) Leading. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter, nor does it involve morbidly obese patients."	1. Whether the product is efficacious (whether it works/saves lives) is relevant to the case and the evaluation of risk/benefit. There is no evidence that the filter is efficacious and this world renowned researcher is setting our the basis for those opinions. This goes to liability for actual damages not punitive damages. The Recovery filter is the initial predicate product for the G2 line of filters which includes the Eclipse. 2. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 3. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant.4. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	116:08-116:25 Redact "of deaths" (116:23)	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter, nor does it involve morbidly obese patients."	1. Whether the product is efficacious (whether it works/saves lives) is relevant to the case and the evaluation of risk/benefit. There is no evidence that the filter is efficacious and this world renowned researcher is setting out the basis for those opinions. This goes to liability for actual damages not punitive damages. The Recovery filter is the initial predicate product for the G2 line of filters which includes the Eclipse. 2. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 3. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant.4. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	117:03-117:21	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. Defendants also object because this testimony violates a protective order on the Lehmann Report. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. 117:10-117:21-this testimony violates Judge Campbell's ruling the consultant's report is protected work product. See, MDL docket 699. It would be highly prejudicial for this expert to testify about the consultant's report when Bard has no way to respond without waiving the work product privilege. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	1. Whether the product is efficacious (whether it works/saves lives) is relevant to the case and the evaluation of risk/benefit. There is no evidence that the filter is efficacious and this world renowned researcher is setting out the basis for those opinions. This goes to liability for actual damages not punitive damages. The Recovery filter is the initial predicate product for the G2 line of filters which includes the Eclipse. 2. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 3. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant.4. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.5. Judge Campbell ruled that the document discussed (December 2004 HHE) was admissible and it came into evidence in all three trials. Bard repeatedly attempts to keep this document out. The document Judge Campbell kept out was the actual Lehman report but ruled that the parties could discuss the findings of the report. This has been ruled in plaintiff's favor ad nauseam.
PL AFFIRM	Garcia, David 6/18/2020	119:15-120:06	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect. Defendants also object because this testimony violates a protective order on the Lehmann Report. The language "which summarizes the finding of the outside scientist" must be removed in accordance with the protective order. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	1. Whether the product is efficacious (whether it works/saves lives) is relevant to the case and the evaluation of risk/benefit. There is no evidence that the filter is efficacious and this world renowned researcher is setting out the basis for those opinions. This goes to liability for actual damages not punitive damages. The Recovery filter is the initial predicate product for the G2 line of filters which includes the Eclipse. 2. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 3. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant.4. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	120:08-120:13	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	1. Whether the product is efficacious (whether it works/saves lives) is relevant to the case and the evaluation of risk/benefit. There is no evidence that the filter is efficacious and this world renowned researcher is setting our the basis for those opinions. This goes to liability for actual damages not punitive damages. The Recovery filter is the initial predicate product for the G2 line of filters which includes the Eclipse. 2. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 3. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant.4. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	120:20-122:03	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	1. Whether the product is efficacious (whether it works/saves lives) is relevant to the case and the evaluation of risk/benefit. There is no evidence that the filter is efficacious and this world renowned researcher is setting our the basis for those opinions. This goes to liability for actual damages not punitive damages. The Recovery filter is the initial predicate product for the G2 line of filters which includes the Eclipse. 2. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 3. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant.4. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	122:06-124:09	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. (124:4-124:9) Leading, assumes facts not in evidence. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	1. Whether the product is efficacious (whether it works/saves lives) is relevant to the case and the evaluation of risk/benefit. There is no evidence that the filter is efficacious and this world renowned researcher is setting our the basis for those opinions. This goes to liability for actual damages not punitive damages. The Recovery filter is the initial predicate product for the G2 line of filters which includes the Eclipse. 2. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 3. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant.4. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	124:13-126:17 Redact "and death" (126:10)	Sustain	(124:13-124:16) Leading, assumes facts not in evidence. (126:16-127:4) Leading. Counsel is testifying. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. (124:13-20; 125:2-127:23) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	1. Whether the product is efficacious (whether it works/saves lives) is relevant to the case and the evaluation of risk/benefit. There is no evidence that the filter is efficacious and this world renowned researcher is setting out the basis for those opinions. This goes to liability for actual damages not punitive damages. The Recovery filter is the initial predicate product for the G2 line of filters which includes the Eclipse. 2. The Recovery filter's efficacy or lack thereof is relevant to this Eclipse filter because it was during the Recovery evaluation that Bard conducted an analysis as to whether any filter had proven efficacy. Dr. Garcia's testimony is that there has not been since the Recovery and other filter efficacy was studied internally and by its consultants at that time, there have been no randomized controlled trials and therefore no high quality evidence of efficacy in this filter either based on the facts starting with the Recovery. 3. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks--as it is all risks upon which the doctors base their decision to implant.4. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	140:14-142:05	Overrule	Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. (141:17-142:5) Leading. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	This area of testimony is related to the filter at issue and it gives background and the basis for the witness' testimony as to efficacy. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	142:08-142:13	Overrule	Leading, cumulative. Rule 704 the witness is offering opinion on the ultimate issue in the case. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	It is a nonleading question. The doctor is testifying as to efficacy. It is completely appropriate and exactly what the witness was designated to testify about. It has nothing to do with punitive damages. It is an efficacy question.
PL AFFIRM	Garcia, David 6/18/2020	142:19-143:09	Overrule	(143:15-17) Leading.	These are all non leading questions.
PL AFFIRM	Garcia, David 6/18/2020	144:02-144:11	Overrule	Leading. (144:2-11) Rule 601/502 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	Nonleading. He is an expert and has knowledge of this subject matter. He is an expert and doesn't need personal knowledge of facts in literature. These opinions were disclosed.
PL AFFIRM	Garcia, David 6/18/2020	144:14-147:14	Overrule	Leading. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Non-disclosure. (144:14-147:01) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	Nonleading. He is an expert and has knowledge of this subject matter. He is an expert and doesn't need personal knowledge of facts in literature. These opinions were disclosed.
PL AFFIRM	Garcia, David 6/18/2020	147:17	Overrule	Leading.	this is an answer.
PL AFFIRM	Garcia, David 6/18/2020	147:19-148:10	Overrule	Compound question. (148:8-10) Leading.	Neither compound nor leading.
PL AFFIRM	Garcia, David 6/18/2020	148:13-149:06	Overrule	(149:1-6) Leading.	This is a full section of many questions and answers. None are leading but if any were the defense would need to point out which one or ones were.
PL AFFIRM	Garcia, David 6/18/2020	149:10-149:13	Overrule		
DEF COUNTER	Garcia, David 6/18/2020	151:10-151:20	Overrule		
PL AFFIRM	Garcia, David 6/18/2020	155:04-155:13	Overrule	Rules 401, 402, and 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	Bard claims its Recovery is substantially equivalent to the G2 and therefore the Eclipse which is essentially the same filter. The question is answered that the Recovery and therefore the Eclipse can form clots and overwhelm filters. Dr. Garcia goes into detail using Bard's own documents and his scientific training and training in hematology to explain how a filter creates clots and can overwhelm filters. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
DEF COUNTER	Garcia, David 6/18/2020	155:14-155:20	Overrule	Speculation	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Garcia, David 6/18/2020	155:21-156:11	Overrule	Rules 401, 402, and 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter." (156:8-11) Leading.	Bard claims its Recovery is substantially equivalent to the G2 and therefore the Eclipse which is essentially the same filter. The question is answered that the Recovery and therefore the Eclipse can form clots and overwhelm filters. Dr. Garcia goes into detail using Bard's own documents and his scientific training and training in hematology to explain how a filter creates clots and can overwhelm filters. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	156:24-158:14	Overrule	Rules 401, 402, and 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Leading. (157:13-17) Violates MDL protective order regarding the Lehmann Report. (158:8-14) Leading. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	As to the Lehman issue Bard is dead wrong. The Recovery HHE was allowed in in every MDL trial. Bard claims its Recovery is substantially equivalent to the G2 and therefore the Eclipse which is essentially the same filter. The question is answered that the Recovery and therefore the Eclipse can form clots and overwhelm filters. Dr. Garcia goes into detail using Bard's own documents and his scientific training and training in hematology to explain how a filter creates clots and can overwhelm filters. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	158:17-159:08	Overrule	Rules 401, 402, and 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Leading. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	Bard claims its Recovery is substantially equivalent to the G2 and therefore the Eclipse which is essentially the same filter. The question is answered that the Recovery and therefore the Eclipse can form clots and overwhelm filters. Dr. Garcia goes into detail using Bard's own documents and his scientific training and training in hematology to explain how a filter creates clots and can overwhelm filters. All failure modes are at issue because the jury will be deciding the risk/benefit and that is as to all risks-- as it is all risks upon which the doctors base their decision to implant. Witness fully disclosed his opinions timely and updated his opinions in accordance with the MDL orders on new data such as new studies. Several courts have ruled that the clot formation report was timely as well. All were provided well before this preservation deposition.
PL AFFIRM	Garcia, David 6/18/2020	159:11	Overrule	Rules 401, 402, and 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Leading. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL.	Witness is answering a relevant question. These opinions were disclosed.
PL AFFIRM	Garcia, David 6/18/2020	159:13-161:01	Overrule	(160:2-161:1) Rules 401, 402, and 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. (160:2-161:01) Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	Witness is answering a relevant question. These opinions were disclosed.
PL AFFIRM	Garcia, David 6/18/2020	161:04-161:08	Overrule	Leading. Object to undisclosed expert opinion: Defendants object because the opinions in this testimony were not disclosed in Dr. Garcia's expert report in the MDL. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	Witness is answering a relevant question.
DEF COUNTER	Garcia, David 6/18/2020	166:04-166:11	Overrule	From page 162 line 15 through page 165 line 25 defense counsel goes into a strange set of questions about COVID and the scheduling of his deposition apparently intended to harass the witness. None of it is relevant. Objection relevance	
DEF COUNTER	Garcia, David 6/18/2020	166:14-166:19	Overrule	From page 162 line 15 through page 165 line 25 defense counsel goes into a strange set of questions about COVID and the scheduling of his deposition apparently intended to harass the witness. None is relevant. Objection relevance.	
DEF COUNTER	Garcia, David 6/18/2020	167:17-167:20			
DEF COUNTER	Garcia, David 6/18/2020	168:08-171:03	Overrule	Objection as to the Cook questioning page 170:22-171:03 Relevance.	Goes to bias, and Court denied the MLI on this issue.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Garcia, David 6/18/2020	171:07-171:21	Overrule	Objection as to the Cook questioning. Relevance.	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	171:24	Overrule	Objection as to the Cook questioning. Relevance.	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	172:02-172:06	Overrule	Objection as to the Cook questioning. Relevance.	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	172:08-172:13	Overrule	Objection as to the Cook questioning. Relevance. Objection as to the lawyers who are questioning being the same. Relevance.	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	173:03-173:14	Overrule	Objection as to the Cook questioning. Relevance. Objection as to the lawyers who are questioning being the same. Relevance.	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	173:17-174:02	Overrule	Objection as to the Cook questioning. Relevance.	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	174:04-174:08	Overrule	Objection as to the Cook questioning. Relevance.	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	174:15-174:17	Overrule	Objection as to the Cook questioning. Relevance.	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	174:20-175:03	Overrule	Relevance	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	175:05-175:10	Overrule	Relevance	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	175:14-175:21	Overrule	Relevance	Goes to bias
DEF COUNTER	Garcia, David 6/18/2020	175:24-176:13	Overrule	178:20-179:4: Objection Cook testimony not relevant.	Goes to bias, and Court denied the MIL on this issue.
PL AFFIRM	Garcia, David 6/18/2020	176:14			
DEF COUNTER	Garcia, David 6/18/2020	177:08-178:22	Overrule	Cook testimony not relevant.	Goes to bias, and Court denied the MIL on this issue.
DEF COUNTER	Garcia, David 6/18/2020	178:25-179:20	Overrule	180:14-22--Objection. Surgeon General questions and testimony not relevant and the prejudice outweighs any relevance. hearsay	Goes to knowledge in the medical community and an expert can be impeached with hearsay.
DEF COUNTER	Garcia, David 6/18/2020	179:23-180:22	Overrule	Objection as to Surgeon General Call to action relevance and prejudice outweighs relevance.	Goes to knowledge and an expert can be impeached with hearsay.
DEF COUNTER	Garcia, David 6/18/2020	181:02-181:16	Overrule	Objection as to Surgeon General Call to action relevance and prejudice outweighs relevance.	Goes to knowledge and an expert can be impeached with hearsay.
DEF COUNTER	Garcia, David 6/18/2020	181:19-182:16	Overrule	Objection as to Surgeon General Call to action relevance and prejudice outweighs relevance.	Goes to knowledge and an expert can be impeached with hearsay.
DEF COUNTER	Garcia, David 6/18/2020	182:18-183:17	Overrule	Objection as to Surgeon General Call to action relevance and prejudice outweighs relevance.	Goes to knowledge and an expert can be impeached with hearsay.
DEF COUNTER	Garcia, David 6/18/2020	183:19-184:02	Overrule	Objection as to Surgeon General Call to action relevance and prejudice outweighs relevance.	Goes to knowledge and an expert can be impeached with hearsay.
DEF COUNTER	Garcia, David 6/18/2020	184:04-184:13	Overrule	Objection as to Surgeon General Call to action relevance and prejudice outweighs relevance. Objection as to anticoagulation evidence. Not relevant.	Goes to knowledge and an expert can be impeached with hearsay.
DEF COUNTER	Garcia, David 6/18/2020	184:17-184:19	Overrule	Objection as to Surgeon General Call to action relevance and prejudice outweighs relevance. Objection as to anticoagulation evidence. Not relevant.	Goes to knowledge and an expert can be impeached with hearsay.
DEF COUNTER	Garcia, David 6/18/2020	184:21-184:23	Overrule	Objection as to Surgeon General Call to action relevance and prejudice outweighs relevance. Objection as to anticoagulation evidence. Not relevant.	Goes to knowledge and an expert can be impeached with hearsay.
DEF COUNTER	Garcia, David 6/18/2020	185:07-186:11	Overrule	Objection as to Surgeon General Call to action relevance and prejudice outweighs relevance. Objection as to anticoagulation evidence. Not relevant.	Goes to knowledge and an expert can be impeached with hearsay.
DEF COUNTER	Garcia, David 6/18/2020	186:14-190:03	Overrule	Objection as to relevance. Anticoagulation is not relevant as this filter was not to be placed if a patient could be anticoagulated.	Directly relevant as an issue in this case is Mr. Peterson's use of anticoagulants and the amount in his system when the he was hospitalized - the incident Plaintiff claims was caused by his Eclipse filter.
PL AFFIRM	Garcia, David 6/18/2020	187:25			
DEF COUNTER	Garcia, David 6/18/2020	190:05-194:05	Overrule	Objection as to relevance. Anticoagulation is not relevant as this filter was not to be placed if a patient could be anticoagulated.	Directly relevant as an issue in this case is Mr. Peterson's use of anticoagulants and the amount in his system when the he was hospitalized - the incident Plaintiff claims was caused by his Eclipse filter.
DEF COUNTER	Garcia, David 6/18/2020	194:07-194:12	Overrule	Objection as to relevance. Anticoagulation is not relevant as this filter was not to be placed if a patient could be anticoagulated.	Directly relevant as an issue in this case is Mr. Peterson's use of anticoagulants and the amount in his system when the he was hospitalized - the incident Plaintiff claims was caused by his Eclipse filter.
DEF COUNTER	Garcia, David 6/18/2020	194:14-195:16	Overrule	Objection as to relevance. Anticoagulation is not relevant as this filter was not to be placed if a patient could be anticoagulated.	Directly relevant as an issue in this case is Mr. Peterson's use of anticoagulants and the amount in his system when the he was hospitalized - the incident Plaintiff claims was caused by his Eclipse filter.
DEF COUNTER	Garcia, David 6/18/2020	195:18-197:10	Overrule	197:1-25: Obj relevance as to anticoagulation. Obj 198:11-199:19 Obj as to relevance anticoagulation.	Directly relevant as an issue in this case is Mr. Peterson's use of anticoagulants and the amount in his system when the he was hospitalized - the incident Plaintiff claims was caused by his Eclipse filter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Garcia, David 6/18/2020	197:12-199:19	Overrule	Objection as to relevance. Anticoagulation is not relevant as this filter was not to be placed if a patient could be anticoagulated.	Directly relevant as an issue in this case is Mr. Peterson's use of anticoagulants and the amount in his system when the he was hospitalized - the incident Plaintiff claims was cause by his Eclipse filter.
DEF COUNTER	Garcia, David 6/18/2020	199:24-203:13	Overrule	Objection as to relevance. Anticoagulation is not relevant as this filter was not to be placed if a patient could be anticoagulated.	Directly relevant as an issue in this case is Mr. Peterson's use of anticoagulants and the amount in his system when the he was hospitalized - the incident Plaintiff claims was cause by his Eclipse filter.
DEF COUNTER	Garcia, David 6/18/2020	203:15-203:25			
DEF COUNTER	Garcia, David 6/18/2020	204:24-207:06			
DEF COUNTER	Garcia, David 6/18/2020	207:08-209:05			
DEF COUNTER	Garcia, David 6/18/2020	209:07-209:17			
DEF COUNTER	Garcia, David 6/18/2020	209:19-210:17			
DEF COUNTER	Garcia, David 6/18/2020	210:19-213:05	Overrule	Obj 212 line 23-213:08 Dr Streiff is not relevant and the Court granted Plaintiff's MIL 6 as to experts not called to testify. Transcript PTC 4/20/21 at 609.	
DEF COUNTER	Garcia, David 6/18/2020	213:07-214:22 Bard designates this only if the witness is allowed to testify about literature that postdates the implant during direct.	Overrule	Obj 212 line 23-213:08 Dr Streiff is not relevant and the Court granted Plaintiff's MIL 6 as to experts not called to testify. Transcript PTC 4/20/21 at 609.	
DEF COUNTER	Garcia, David 6/18/2020	214:24-216:19			
DEF COUNTER	Garcia, David 6/18/2020	216:22-218:10			
DEF COUNTER	Garcia, David 6/18/2020	218:22-223:05. Bard designates this only if the witness is allowed to testify about literature that postdates the implant during direct.			
DEF COUNTER	Garcia, David 6/18/2020	223:10-227:07. Bard designates this only if the witness is allowed to testify about literature that postdates the implant during direct.			
DEF COUNTER	Garcia, David 6/18/2020	228:07-236:19			
DEF COUNTER	Garcia, David 6/18/2020	236:21-242:06			
DEF COUNTER	Garcia, David 6/18/2020	242:09-253:09			
DEF COUNTER	Garcia, David 6/18/2020	253:11-255:04			
DEF COUNTER	Garcia, David 6/18/2020	255:10-256:14			
DEF COUNTER	Garcia, David 6/18/2020	256:16-259:09			
DEF COUNTER	Garcia, David 6/18/2020	259:11-260:03			
DEF COUNTER	Garcia, David 6/18/2020	260:05-260:11			
DEF COUNTER	Garcia, David 6/18/2020	260:13-262:03			
DEF COUNTER	Garcia, David 6/18/2020	265:04-265:15			
DEF COUNTER	Garcia, David 6/18/2020	271:11-271:16			
DEF COUNTER	Garcia, David 6/18/2020	271:25-272:18			
DEF COUNTER	Garcia, David 6/18/2020	281:13-281:21			

DESIGNEE DEF COUNTER	DEPONENT Garcia, David 6/18/2020	DESIGNATIONS 283.03-283.13	RULING	OBJECTION	RESPONSES TO OBJECTIONS



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL RUNNING RESPONSE TO OBJECTIONS					Running Response to objections based on leading: The essential test of a leading question is whether it so suggests to the witness the specific tenor of the reply desired by counsel that such a reply is likely to be given irrespective of an actual memory. The evil to be avoided is that of supplying a false memory for the witness. 3 Wigmore, Evidence § 769 (3d ed. 1940); "A question is not leading simply because it requires a 'yes' or 'no' answer." McKeown v Harvey, 40 Mich 226, 228 (1879); accord, Deneweller v. Swarthout, 2014 U.S. Dist. LEXIS 113300 (E.D. Cal. 01-51-DMG, CD CA February 18, 2014) at *82. "The language of Rule 611(c) is permissive, vesting, 'broad discretion in trial courts.'" Miller v. Fairchild Industries, Inc., 885 F.2d 498, 514 (9th Cir. 1989). Under Fed. R. Evid. 611(c), leading questions on direct examination were not improper where unavailable witness testimony was presented by deposition, and leading questions could not simply be rephrased as they would be during live testimony. Bartlett v. Mut. Pharm. Co., DNH 4, 759 F. Supp. 2d 171, 84 Fed. R. Evid. Serv. (CBO 490, U.S. Dist. LEXIS 93929 (D.N.H.), sub. op., op. withdrawn, 760 F. Supp. 2d 220, 2011 U.S. Dist. LEXIS 1376 (D.N.H. 2011).
PL AFFIRM	Goodman, Jay, MD 3/23/2017	8:12-8:15			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	12:19-14:11 Starting with "let's start"			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	14:15-14:22			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	17:03-17:09			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	20:17-21:06			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	34:08-34:14			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	34:22-35:04 Strating with "Can you"			
DEF COUNTER	Goodman, Jay, MD 3/23/2017	35:05-35:16	Overrule	FRE 401, 402, 403, 701, 702 & 802 - 35 9-35:10 starting with "which is." This testimony is the subject of Plaintiff's MIL # 2012). The witness does not have personal knowledge as to whether PE is a top ten cause of death and introducing unsubstantiated hearsay. The testimony is not a product of reliable principles or methods, it is unfairly prejudicial, confusing and misleading.	
PL AFFIRM	Goodman, Jay, MD 3/23/2017	35:17-36:03			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	36:06-36:07	Sustain	Rule 611(c) Leading question of witness on direct.	Plaintiff's running response to leading objections is incorporated herein. 36 01-36:07 - The questions are not leading as the witness was capable of agreeing, denying or expounding upon his response. In addition, Dr. Goodman is a treating physician and the amount to time available to conduct his deposition was limited, the question was necessary to develop the witness' testimony.
PL AFFIRM	Goodman, Jay, MD 3/23/2017	36:17-36:19 Starting with "you hope"	Sustain	Rule 611(c) Leading question of witness on direct.	Plaintiff's running response to leading objections is incorporated herein. 36:17-36:22 -The questions are not leading as the witness was capable of agreeing, denying or expounding upon his response. In addition, Dr. Goodman is a treating physician and the amount to time available to conduct his deposition was limited, the question was necessary to develop the witness' testimony.
PL AFFIRM	Goodman, Jay, MD 3/23/2017	36:22-36:22	Sustain	Rule 611(c) Leading question of witness on direct.	Plaintiff's running response to leading objections is incorporated herein. 36:17-36:22 -The questions are not leading as the witness was capable of agreeing, denying or expounding upon his response. In addition, Dr. Goodman is a treating physician and the amount to time available to conduct his deposition was limited, the question was necessary to develop the witness' testimony.
DEF COUNTER	Goodman, Jay, MD 3/23/2017	36:24-37 05			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	37:07-37:14 Starting with "Clearly you"	Sustain	Rule 611(c) Leading question of witness on direct.	Plaintiff's running response to leading objections is incorporated herein. 37 07-37:17 - The questions are not leading as the witness was capable of agreeing, denying or expounding upon his response. In addition, Dr. Goodman is a treating physician and the amount to time available to conduct his deposition was limited, the question was necessary to develop the witness' testimony.
PL AFFIRM	Goodman, Jay, MD 3/23/2017	37:17-37:17	Sustain	Rule 611(c) Leading question of witness on direct.	Plaintiff's running response to leading objections is incorporated herein. 37 07-37:17 - The questions are not leading as the witness was capable of agreeing, denying or expounding upon his response. In addition, Dr. Goodman is a treating physician and the amount to time available to conduct his deposition was limited, the question was necessary to develop the witness' testimony.

Goodman 3/23 17 PL

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Goodman, Jay, MD 3/23/2017	37:19-37:25	Override	FRE 401, 402, 403, & 702 - 37:24 -37:24 starting at "But I". His statement as to his personal preference regarding IVC filters is not relevant. The probative value of his statement, if any, is substantially outweighed by unfair prejudice, undue delay and waste of time	
PL AFFIRM	Goodman, Jay, MD 3/23/2017	38:01-38:11 Starting with "if a company"			
DEF COUNTER	Goodman, Jay, MD 3/23/2017	38:21-38:23			
DEF COUNTER	Goodman, Jay, MD 3/23/2017	39:01-39:03			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	39:20-39:22			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	39:25-39:25			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	40:02-40:05			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	40:08-40:11 Starting with "Would you"			
DEF COUNTER	Goodman, Jay, MD 3/23/2017	40:12-40:19			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	40:20-41:05	Override	Rule 611(c) Leading question of witness on direct (41:3-5). Rule 611 assumes facts not in evidence.	Plaintiff's running response to leading objections is incorporated herein. 40 02-41:09 - The question is not leading and the "facts" will be established by the documents and testimony of other witness including, for example, Natalie Wong at 154 8-154:18; 154:25-156:14, and 156:20-156:25
PL AFFIRM	Goodman, Jay, MD 3/23/2017	41:08-41:09	Override	Rule 611(c) Leading question of witness on direct. Rule 611 assumes facts not in evidence.	Plaintiff's running response to leading objections is incorporated herein. 40 02-41:09 - The question is not leading and the "facts" will be established by the documents and testimony of other witness including, for example, Natalie Wong at 154 8-154:18; 154:25-156:14, and 156:20-156:25
DEF COUNTER	Goodman, Jay, MD 3/23/2017	41:11-41:17			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	41:18-41:20			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	41:23-41:24	Override	Rule 611(c) Leading question of witness on direct. Rule 611 assumes facts not in evidence.	Plaintiff's running response to leading objections is incorporated herein. 41:18-41:20 - The question is not leading and the "facts" will be established by the documents and testimony of other witness including, for example, PX 330 at p.6.
PL AFFIRM	Goodman, Jay, MD 3/23/2017	42:01-42:06	Sustain	Rule 611(c) Leading question of witness on direct. Rule 611 assumes facts not in evidence.	Plaintiff's running response to leading objections is incorporated herein. 42 01-42:06 - The question is not leading and does not introduce any the "facts" that are not in evidence
PL AFFIRM	Goodman, Jay, MD 3/23/2017	42:10-42:21			
DEF COUNTER	Goodman, Jay, MD 3/23/2017	43:04-43:18			
DEF COUNTER	Goodman, Jay, MD 3/23/2017	43:21-43:24			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	45:09-45:20			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	45:24-46:09			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	46:12-46:12			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	46:14-46:19			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	47:03-47:10			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	49:10-49:13			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	52:15-52:17			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	53:03-55:13			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	55:16-56:17			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	57:05-57:21 Starting with "But there"			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	58:17-59:12			
Goodman 3/23/2017	Goodman, Jay, MD 3/23/2017				

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Goodman, Jay, MD 3/23/2017	60:11-60:11			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	60:15-60:20			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	62:17-62:19			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	63:09-63:16			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	Starting with "and this" 64:06-65:05			
DEF COUNTER	Goodman, Jay, MD 3/23/2017	65:06-65:15	Overrule	FRE 401, 402, 403 & 702- 65 06-65:15- This testimony is the subject of Plaintiff's MIL # 20(1). The witness does not have personal knowledge as to whether filters actually save lives and the published medical literature does not support the claim. The testimony is not a product of reliable principles or methods, it is unfairly prejudicial, confusing and misleading.	
PL AFFIRM	Goodman, Jay, MD 3/23/2017	65:16-65:22			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	65:25-66:06			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	72:12-73:10			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	74:10-74:12			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	91:17-91:24			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	94:12-95:05			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	96:05-96:12			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	96:15-96:23			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	104:17-104:23			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	106:20-108:17			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	133:14-133:22			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	133:25-133:25			
PL AFFIRM	Goodman, Jay, MD 3/23/2017	134:02-134:16			
DEF COUNTER	Goodman, Jay, MD 3/23/2017	134:17-134:19			
DEF COUNTER	Goodman, Jay, MD 3/23/2017	134:22-135:10	Overrule	FRE 401, 402, 403 & 702- 135 01-135:16- This testimony is the subject of Plaintiff's MIL # 19. The testimony is not a product of reliable principles or methods, it is unfairly prejudicial, confusing and misleading.	
DEF COUNTER	Goodman, Jay, MD 3/23/2017	135:13-135:16	Overrule	FRE 401, 402, 403 & 702- 135 01-135:16- This testimony is the subject of Plaintiff's MIL # 19. The testimony is not a product of reliable principles or methods, it is unfairly prejudicial, confusing and misleading.	
PL AFFIRM	Goodman, Jay, MD 3/23/2017	136:22-137:08 Starting with "If you"	Sustain	Rule 611(c) Leading question of witness on direct (137:5-8). Rule 611 assumes facts not in evidence.	Plaintiff's running response to leading objections is incorporated herein. 136:22-137:11 - The question is not leading as asks about the own conduct and practices and the witness was capable of agreeing, denying or expounding upon his response. In addition, Dr. Goodman is a treating physician and the amount to time available to conduct his deposition was limited, the question was necessary to develop the witness' testimony.
PL AFFIRM	Goodman, Jay, MD 3/23/2017	137:11-137:11	Sustain	Rule 611(c) Leading question of witness on direct. Rule 611 assumes facts not in evidence.	Plaintiff's running response to leading objections is incorporated herein. 136:22-137:11 - The question is not leading as asks about the own conduct and practices and the witness was capable of agreeing, denying or expounding upon his response. In addition, Dr. Goodman is a treating physician and the amount to time available to conduct his deposition was limited, the question was necessary to develop the witness' testimony.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL BLANKET OBJECTION				FRE 403 - Plaintiff objects to all cumulative testimony which repeats testimony designated and offered by Plaintiff during his direct examination. The probative value of such a duplicate presentation of testimony, if any, is substantially outweighed by undue delay, wasting of time and/or needlessly presenting cumulative evidence. The Bard defendants have argued that deposition evidence should be presented in one presentation with no separation of Plaintiff's proposed direct examination from the cross examination chosen by the Defendants. Plaintiff's counsel objects to that that practice and one that was asserted in opposition was the concern that Defendants would offer large portions of the deposition testimony as a way to dilute or alter the impact of the witness' testimony as proposed by Plaintiff's counsel and prolong the Plaintiff's case in chief. In this deposition Plaintiff has offered 547 lines of testimony which constitutes approximately 44 minutes of testimony as his direct examination. The Bard defendants have designated 1,792 lines of testimony. When you deduct the 297 lines of common testimony designated by both parties, Bard is increasing the deposition time by 1.9 hours to a total presentation of 2.7 hours. Defendants have now added an additional 36 lines of testimony. Plaintiff should not have to absorb that much additional testimony into their presentation of their case in chief. The additional time takes away from the Plaintiff's ability to present his case as it is now part of his case in chief and the jury should not be left with the impression that the Plaintiff is responsible for the delay caused by the prolonged deposition presentation	The Court has ruled that the depositions will be played one time and in the order taken. All of the testimony is relevant to the claims in this case. If Plaintiff objects Bard's designations, Bard will recall the witness in its case.
PL BLANKET OBJECTION				Plaintiff reasserts and incorporates herein all previous objections and counter designations included in Dkt Nos. 132 & 132-1 - Plaintiff's Objections to the Defendants' Affirmative Deposition Designations and Counter Designations filed on April 12, 2021.	
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	8:12-8:15			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	12:19-15:21 (starting at "let's start")			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	18:08-21:10	Overrule	FRE 401, 402 & 403: 18:08-19:02 - By the time Dr. Goodman's deposition testimony is played the jury will have had the anatomy of the Vena cava explained, the purpose of an IVC filter and description of what an OVC filter looks like. The probative value of such duplicative testimony from this witness, if any, is substantially outweighed by undue delay, wasting of time needlessly presenting cumulative evidence	Defendants do not believe that Dr. Goodman's description of his practice is irrelevant or overly prejudicial, as is his description of IVC filters and discussion of how many and what types of filters he has implanted, retrieved, etc. However, Defendants will agree to withdraw 17:16 - 18:7. Defendants do not agree to withdraw the remainder of this designation.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	21:15-21:16			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	21:19-26:20			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	27:06-27:19			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	28:16-32:05			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	32:21-34:14 (from "do you")			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	35:01-35:16			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	42:10-42:19 (stopping after "Swanson")			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	43:04-43:18			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	43:21-44:05			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	44:08			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	50:05-51:06	Overrule	FRE 401, 402, 403, & 802- 50:17-51:06 - This portion of the answer is nonresponsive and contains hearsay regarding what the Government wants. The First FDA warning letter was not yet issued at the time Mr. Peterson's filter was being placed so Dr. Goodman could not have had that in mind. His statement as to his personal beliefs regarding IVC filters goes beyond his care of Mr. Peterson and is not relevant. To the extent the Defendants' intend to play 68:20-70:11 as part of their offer of testimony from this witness the testimony at 50:17-51:3 duplicates the same testimony. The probative value of his statement, if any, is substantially outweighed by unfair prejudice, undue delay and wasting of time.	Defendants disagree that this non-party fact witness's testimony about how he conducts informed consent, which is at issue in this case, is nonresponsive or irrelevant to the jury. The testimony is not hearsay, as it is not being offered to demonstrate a specific out of court statement, but it is instead being offered to show the doctor's routine practice and procedure with respect to his patients and also to show notice, which is disputed. Furthermore, his statements regarding his experience and belief in IVC filters as a valuable tool to treat patients is specifically relevant, as it is Plaintiff who has placed at issue the question of whether filter provide a benefit to patients. The plaintiff's treating physician's own opinion and experience with IVC filters is directly relevant to issues he himself has placed at issue.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	51:16-51:18			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	52:15-52:22			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	53:03-56:10			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	59:13-60:02 (begin at "Was the") (stop after "anticipated")			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	60:22-62:03	Overrule	FRE 401, 402 & 403: 62:23-63:09 (Starting with "And") - the testimony is not relevant to any material issue, and the probative value, if any, is substantially outweighed by undue delay and wasting of time.	The testimony is relevant to this non-party fact witness's medical treatment of Plaintiff. The testimony at 65:6 - 65:15 is highly relevant to the witness's medical decisions related to Plaintiff and the risk/benefit analysis the doctor performed. It also explains the doctor's decision-making process in selecting the brand of filter that he selected.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	62:17-65:18	Overrule	FRE 401, 402, 403 & 702: 62:17-63:05 (Starting with "It's part") - the testimony is not relevant to any material issue, and the probative value, if any, is substantially outweighed by undue delay and wasting of time. The witness' personal preferences are not credible expert opinion and the probative value of his statement, if any, is substantially outweighed by unfair prejudice, undue delay and wasting of time.	The testimony is relevant to this non-party fact witness's medical treatment of Plaintiff. The testimony at 65:6 - 65:15 is highly relevant to the witness's medical decisions related to Plaintiff and the risk/benefit analysis the doctor performed. It also explains the doctor's decision-making process in selecting the brand of filter that he selected.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	66:25-72:11	Overrule	FRE 401, 402, 403, 602 & 802: 68:16- 68:17 This portion of the answer is nonresponsive and contains hearsay regarding what the Government wants. The First FDA warning letter was not yet issued at the time Mr. Peterson's filter was being placed so Dr. Goodman could not have had that in mind or he would have been speculating about government intent. His statement as to his personal beliefs regarding IVC filters goes beyond his care of Mr. Peterson and is not relevant. The probative value of his statements, if any, is substantially outweighed by unfair prejudice, undue delay and wasting of time.	The testimony identified by Plaintiff is relevant and explains the doctor's actions and decision-making. It is not hearsay, as it is being offered to explain the doctor's treatment decisions for Plaintiff, as well as the risk/benefit analysis the doctor performed. Additionally, the fact that the Eclipse filter was an optional filter with an unlimited indwell time is a major benefit of the filter, and this testimony is relevant to how that benefit is perceived and acted upon by a physician. The doctor is also explaining his informed consent process, which is relevant to Plaintiff's theories of recovery in this case.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	73:11-73:22 (from "is it")	Overrule	FRE 401, 402, 403 - His statement at 73:16-73:16 as to his personal preference regarding IVC filters goes beyond his care of Mr. Peterson and is not relevant. To the extent the Court has permitted this testimony in any to the prior statements designate by Bard, the testimony duplicates the same testimony. The probative value of his statement, if any, is substantially outweighed by unfair prejudice, undue delay and wasting of time.	The doctor's statements regarding his experience and practice using filters is relevant and responsive to allegations made by Plaintiff in this case. If the doctor had testified that he preferred another brand of filter over Bard filters, surely Plaintiff would not object to that testimony as irrelevant. The doctor is explaining his treatment decisions and risk/benefit analysis, which are relevant to the claims in this case.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	77:01-93:08	Overrule	FRE 401, 402, 403 and 802 - 76:15-76:25 statements by counsel are hearsay and do not constitute admissible evidence. 77:10-79:9 & 80:10-80:23- Dr. Goodman's use of CT scan images and his detailed description are with regard to the PE that Mr. Peterson has sustained a year before the filter was placed and he was not longer suffering from that condition. His history of having had a PE in the past is relevant to the decision to place the filter, but the detailed description of the PE and demonstration of his year old CT images are not relevant and are unfairly prejudicial. The testimony is likely to confuse the issues and be misleading to the jury. FRE 401, 401, 402, 602 & 702 - At 80:24-81:09 the witness is speculating as what injuries the Plaintiff suffered from a PE that occurred done year before the filter was placed could have caused, but did not. The testimony is not a product of reliable principles or methods, it is not relevant to a material issue in the case, it is unfairly prejudicial, confusing and misleading. 81:10-81:19 - FRE 403: To the extent the Defendants intend to play 81:10-81:19 that testimony duplicates the same testimony included at 2001-2005 and 35:06-35:16 and the probative value, if any, is substantially outweighed by the unfair prejudice, undue delay, wasting of time and/or needlessly presenting cumulative evidence. FRE 401, 401, 402, 602 & 702 - At 82:10-83:83 the witness is not responsive, is giving irrelevant testimony as to conditions Mr. Peterson did not have and is speculating as what caused his clot. The testimony is not a product of reliable principles or methods, it is not relevant to a material issue in the case, it is unfairly prejudicial, confusing, misleading causing undue delay and wasting time.	All of the testimony Plaintiff objects to is relevant and explains the doctor's treatment decisions and risk/benefit analysis with respect to Mr. Peterson. He is speaking from his own knowledge and is not speculating. This non-party fact witness's testimony regarding the magnitude of the risk of PE is relevant to his decisions to use filters even knowing that filters have risks, including risks of serious complication. Plaintiff wants to present a large volume of evidence about other filters and other complications not experienced by Plaintiff, as well as very serious adverse events, including death, yet Plaintiff wants to preclude this non-party fact witness from speaking from his own experience of the significant risks to patients and give context to the perceived need and utility of filters. This is not prejudice to Plaintiff. Defendants do not believe the jury will be confused by a thorough discussion of Plaintiff's relevant medical history. Testimony regarding the risk of fatality by a pulmonary embolism is also not duplicative or cumulative. In this case, Plaintiff has made much of what doctors did or did not know, what they were or were not told by Bard. Defendants are entitled to present evidence of what this doctor knew of the risks of pulmonary embolism, as it goes to the risk/utility analysis, risk/benefit analysis, and other issues Plaintiff has injected into the case.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM			Sustain as to 86-07-24.	RE 401, 401, 402, 602 & 702 - At 84:06-84:13 the witness is again asked about what injuries the Plaintiff suffered from a PE that occurred one year before the filter was placed. The testimony is not a product of reliable principles or methods; it is not relevant to a material issue in the case. It is unfairly prejudicial, confusing, misleading and unnecessarily cumulative. RE 401, 401, 402, 602 & 702 - At 86:7-24- The witness is questioned about Coumadin/Warfarin use and he admits that has to speculate to respond as he does not prescribe the medication. The testimony is not a product of reliable principles or methods, it is not relevant to a material issue in the case. It is unfairly prejudicial, confusing, misleading and unnecessarily cumulative 403: To the extent the Defendants' intend to play 88-01-90-20 & 91-25-93-08 that testimony duplicates the same testimony included at 52:18-56:05 and 68:18-68:25 and the probative value, if any, is substantially outweighed by the unfair prejudice, undue delay, wasting of time and/or needlessly presenting cumulative evidence	All of the testimony Plaintiff objects to is relevant and explains the doctor's treatment decisions and risk/benefit analysis with respect to Mr. Peterson. He is speaking from his own knowledge and is not speculating. This non-party fact witness's testimony regarding the magnitude of the risk of PE is relevant to his decisions to use filters even knowing that filters have risks, including risks of serious complication. Plaintiff wants to present a large volume of evidence about other filters and other complications not experienced by Plaintiff, as well as very serious adverse events, including death, yet Plaintiff wants to preclude this non-party fact witness from speaking from his own experience of the significant risks to patients and give context to the perceived need and utility of filters. This is not prejudice to Plaintiff.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	93:25-96:12	Sustain	RE:401, 402, 602 & 701: 95:11-95:23 - After "That [sic] is." The remainder of the response is non-responsive and is not relevant. The witness admits he has never tried to remove a permanent only filter so he lacks personal knowledge and his personal experience with other filters is not relevant. The testimony is not a product of reliable principles or methods, it is not relevant to a material issue in the case, it is unfairly prejudicial, confusing and misleading.	The testimony Plaintiff objects to is relevant and explains the doctor's treatment decisions and risk/benefit analysis with respect to Mr. Peterson, including why the doctor opted to place an optional filter rather than one that could only be used permanent. This goes to the doctor's risk/benefit analysis and the utility of the Eclipse filter placed in Plaintiff. Plaintiff intends to present other evidence comparing rates of complications between Bard retrievable filters and other permanent filters. Doctors' perceived risks associated with permanent filters is relevant to issues Plaintiff has injected into the case.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	96:15-99:03	Overrule	See objection to 95:11-95:23 above which incorporated herein. FRE 401, 402, 403 and 802 - 95:25-96:08 ending with "perforation". Statements by counsel are hearsay and do not constitute admissible evidence. FRE: 602 - Calls for speculation as to Mr. Peterson's state of mind. The witness cannot know what Mr. Peterson "accepted".	Defendants incorporate by reference their response to Plaintiff's objections at 95:11 - 95:23. Defendants do not understand Plaintiff's reference to 95:25 - 96:08, as that does not relate to perforation. Defendants have not designated statements by counsel that could be hearsay. The witness's testimony regarding the discussion of risks and benefits of filters and his impression of how those risks were perceived by Plaintiff is relevant to many issues Plaintiff has injected into the case. Plaintiff was entitled to cross-examine this witness on his impressions, and Plaintiff can present evidence from Plaintiff at trial that refutes this. A treating physician's understanding of his patient's acknowledgement of known risks is not speculation.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	99:10-100:11	Overrule	FRE 602: The witness does not recall the specific conversation of consenting process and does not recognize the signature - the testimony is speculative and lacks a proper foundation.	The witness has explained his typical informed consent process, and that is highly relevant and germane to issues Plaintiff has presented. The doctor cannot be expected to have a specific memory of a conversation with every patient he treats; testimony regarding his customary practice and habit are not prohibited. Plaintiff was entitled to cross-examine this doctor on this testimony, and Plaintiff can present evidence from Plaintiff at trial that refutes this, and it will be for the jury to decide which is more credible.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	100:15-101:15			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	102:09-102:19			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	102:22			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	102:24-103:06	Sustain in part as to completeness.	FRCP 32(a)(6) and FRE 403 - The witness clarified his response to this question at 103:12-103:24 and fairness dictates it should be considered with the portion offered by Bard. If this portion is not included in the response the testimony is continue and misleading.	
PL COUNTER	Goodman, Jay, MD 3/23/2017	* if the court does not grant Plaintiff's optional completeness request he would offer: 103:12-103:12			
PL COUNTER	Goodman, Jay, MD 3/23/2017	* if the court does not grant Plaintiff's optional completeness request he would offer: 103:15-103:24			

Goodman 3-23-17 DEF

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	104:17-105:02			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	105:09-108:25			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	109:10-114:24	Overrule	FRCP 26(a)(2)(C), FRE 403 and 602 - 109:09-114:24 - The questions start by revisiting his credentials which were testified to at 12:19-15:21 and then asks about when retrievable filters first came to the market and the witness states I don't recall. The witness admits he lacks personal knowledge. FRCP 26(a)(2)(C), FRE 401, 402, 403, 602 and 702- The witness is asked questions regarding the design characteristic of various retrievable IVC filters and the witness lacks the proper education, training and qualifications to respond. The witness admits he cannot answer the question. The witness' personal preference is not relevant to a material issue. The testimony is not a product of reliable principles or methods, it is not relevant to a material issue in the case, it is unfairly prejudicial, confusing, misleading and unnecessarily cumulative.	Testimony regarding the doctor's education, experience with IVC filters, and related background is relevant. Among other things, the testimony provides context for the doctor's risk/benefit analysis and treatment decisions of Plaintiff. Because he does not recall a specific date decades ago does not mean that he lacks personal knowledge of the evolution of IVC filters and have relevant opinions regarding how that evolution impacted his treatment of patients. The doctor's personal preference is relevant to issues injected by Plaintiff, because the testimony explains why the doctor chose to use the Eclipse filter over other filters available on the market, which Plaintiff has put at issue.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	116:25-117:24	Overrule	FRCP 26(a)(2)(C), FRE 401, 402, 403, 602 and 702- 116:24-117:20 - The questions ask the witness questions regarding the design characteristic of various retrievable IVC filters and the witness lacks the proper education, training and qualifications to respond. The witness admits he cannot answer the question the questions. The witness' personal preferences are not relevant to a material issue. The testimony is not a product of reliable principles or methods, it is not relevant to a material issue in the case, it is unfairly prejudicial, confusing, misleading and unnecessarily cumulative. FRE 802: 117:11-117:17 ending at "it does". Hearsay.	Testimony regarding the doctor's education, experience with IVC filters, and related background is relevant. Among other things, the testimony provides context for the doctor's risk/benefit analysis and treatment decisions of Plaintiff. Because he does not recall a specific date decades ago does not mean that he lacks personal knowledge of the evolution of IVC filters and have relevant opinions regarding how that evolution impacted his treatment of patients. The doctor's personal preference is relevant to issues injected by Plaintiff, because the testimony explains why the doctor chose to use the Eclipse filter over other filters available on the market, which Plaintiff has put at issue. The testimony is not hearsay; the testimony regarding the doctor's conversations with peers are not being offered for the truth of those statements, it is being offered to show how doctor's get information and make treatment decisions for their patients that rely in part on that information.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	119:09-120:19			
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	124:24-125:13 (from "did you")	Overrule	FRE 410, 402, 403: The witness' testimony that all procedures has potentials risks and what he thinks of his consenting process with other patients is not relevant, it is unfairly prejudicial, confusing, misleading.	The testimony is responsive to questioning presented by Plaintiff's counsel and is relevant to the risk/benefit analysis, and informed consent process. The testimony is relevant to a number of issues injected by Plaintiff and Defendants are entitled to respond.
DEF AFFIRM	Goodman, Jay, MD 3/23/2017	126:02-126:07	Overrule	FRE 410, 402, 403: The witness' testimony as to what he would tell other patients as part of a consenting process is not relevant, it is unfairly prejudicial, confusing, misleading.	The testimony is responsive to questioning presented by Plaintiff's counsel and is relevant to the risk/benefit analysis, and informed consent process. The testimony is relevant to a number of issues injected by Plaintiff and Defendants are entitled to respond. The doctor cannot be expected to remember each conversation with patients years or decades ago, and his typical practice and habit is relevant and not improper. Defendants do not believe the jury will be confused by this testimony.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Graves, Micky 02/27/2014	6:03-6:04			
DEF COUNTER	Graves, Micky 02/27/2014	6:13-6:22			
DEF COUNTER	Graves, Micky 02/27/2014	7:24-10:04			
DEF COUNTER	Graves, Micky 02/27/2014	12:02-12:12			
DEF COUNTER	Graves, Micky 02/27/2014	13:02-13:25			
DEF COUNTER	Graves, Micky 02/27/2014	16:14-17:14			
DEF COUNTER	Graves, Micky 02/27/2014	20:09-22:05			
PL AFFIRM	Graves, Micky 02/27/2014	22:25-23:05			
PL AFFIRM	Graves, Micky 02/27/2014	24:06-24:15			
PL AFFIRM	Graves, Micky 02/27/2014	25:23-26:06			
PL AFFIRM	Graves, Micky 02/27/2014	28:09-28:12			
PL AFFIRM	Graves, Micky 02/27/2014	30:14-30:18			
DEF COUNTER	Graves, Micky 02/27/2014	35:23-37:08			
PL AFFIRM	Graves, Micky 02/27/2014	37:09-37:21			
DEF COUNTER	Graves, Micky 02/27/2014	37:22-37:23			
PL AFFIRM	Graves, Micky 02/27/2014	44:01-44:05			
DEF COUNTER	Graves, Micky 02/27/2014	44:06-44:12			
DEF COUNTER	Graves, Micky 02/27/2014	44:25-45:04			
DEF COUNTER	Graves, Micky 02/27/2014	45:07			
DEF COUNTER	Graves, Micky 02/27/2014	45:09-45:11			
PL AFFIRM	Graves, Micky 02/27/2014	47:25-48:09	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Design flaws in the Recovery filter, upon which the Eclipse and G2 filter family was based, are relevant to the existence of warning and design defect, to if Bard acted as a reasonable medical device manufacturer, and to design and testing of the Eclipse filter.
PL AFFIRM	Graves, Micky 02/27/2014	59:15-59:25	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the G2 and Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, in particular, whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the Eclipse filter line, is relevant to whether Bard's design and warnings were adequate. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in
DEF COUNTER	Graves, Micky 02/27/2014	60:01-60:10			
DEF COUNTER	Graves, Micky 02/27/2014	63:16-63:22			
DEF COUNTER	Graves, Micky 02/27/2014	65:01-65:11	Sustain	FRE 602/611: The question is asked by the witness and the answering attorney is not under oath. FRE 402/403: the colloquy between the witness and questioning lawyer is not relevant. The witness's statement at lines 9-11 is inadmissible because it not made in response to any pending question.	
DEF COUNTER	Graves, Micky 02/27/2014	69:21-70:01			
DEF COUNTER	Graves, Micky 02/27/2014	71:05-71:09			



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Graves, Micky 02/27/2014	73:14-74:05	Override	FRE 106: optional completeness - as designated, the question beginning at line 14, following the designation at 71:5-9, creates confusion regarding what filter is being discussed ("it failed, the test..."). The beginning of the exchange at lines 70:12-71:1 should be included so that it is apparent what the witness is talking about	
DEF COUNTER	Graves, Micky 02/27/2014	75:05-75:14 (start at "isn't")			
PL AFFIRM	Graves, Micky 02/27/2014	75:15-75:22	Override	Rules 401, 402 & 403: Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612: Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, and to the design and testing and warnings of the Eclipse filter. The record demonstrates that in attempting to correct failures with the Recovery Filter, Bard failed to test the redesigned filter adequately to identify the existence of a separate problem with the Eclipse, which led to migration as well as fracture and perforation in patients including Peterson. Whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the G2 filter line and warn about the dangers of the filter, is relevant to all of Plaintiff's claims. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in connection with the testimony
DEF COUNTER	Graves, Micky 02/27/2014	75:23-75:25			
DEF COUNTER	Graves, Micky 02/27/2014	76:02-76:06			
PL AFFIRM	Graves, Micky 02/27/2014	77:15-78:03	Override	Rules 401, 402 & 403: Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612: Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, and to the design and testing and warnings of the Eclipse filter. The record demonstrates that in attempting to correct failures with the Recovery Filter, Bard failed to test the redesigned filter adequately to identify the existence of a separate problem with the Eclipse, which led to migration as well as fracture and perforation in patients including Peterson. Whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the G2 filter line and warn about the dangers of the filter, is relevant to all of Plaintiff's claims. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in connection with the testimony
DEF COUNTER	Graves, Micky 02/27/2014	78:12-78:25	Sustain	FRE 402/403: Testimony beginning regarding the FDA 510(k) clearance process ought to be excluded as discussed in Plaintiff's Motion in Limine on this topic. FRE 602/702: The witness has not been designated as an expert and is not qualified to offer testimony regarding the requirements of, or the meaning of, the FDA 510K process	
PL AFFIRM	Graves, Micky 02/27/2014	87:18-87:19	Sustain	Rules 401, 402 & 403: Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612: Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, and to the design and testing and warnings of the Eclipse filter. The record demonstrates that in attempting to correct failures with the Recovery Filter, Bard failed to test the redesigned filter adequately to identify the existence of a separate problem with the Eclipse, which led to migration as well as fracture and perforation in patients including Peterson. Whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the G2 filter line and warn about the dangers of the filter, is relevant to all of Plaintiff's claims. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in connection with the testimony

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Graves, Micky 02/27/2014	87:22-87:23	Sustain	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, and to the design and testing and warnings of the Eclipse filter. The record demonstrates that in attempting to correct failures with the Recovery Filter, Bard failed to test the redesigned filter adequately to identify the existence of a separate problem with the Eclipse, which led to migration as well as fracture and perforation in patients including Peterson. Whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the G2 filter line and warn about the dangers of the filter, is relevant to all of Plaintiff's claims. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in connection with the testimony
PL AFFIRM	Graves, Micky 02/27/2014	126:16-126:23	Override	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony implies that Bard had a duty to conduct additional testing or studies when no such duty exists. Rule 611 assumes facts not in evidence. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment. Counsel is making closing argument. Rule 403. Punitive damages are not at issue in this case.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, and to the design and testing and warnings of the Eclipse filter. The record demonstrates that in attempting to correct failures with the Recovery Filter, Bard failed to test the redesigned filter adequately to identify the existence of a separate problem with the Eclipse, which led to migration as well as fracture and perforation in patients including Peterson. Whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the G2 filter line and warn about the dangers of the filter, is relevant to all of Plaintiff's claims. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in connection with the testimony
PL AFFIRM	Graves, Micky 02/27/2014	127:01-127:03	Override	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony implies that Bard had a duty to conduct additional testing or studies when no such duty exists. Rule 611 assumes facts not in evidence. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment. Counsel is making closing argument. Rule 403. Punitive damages are not at issue in this case.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, and to the design and testing and warnings of the Eclipse filter. The record demonstrates that in attempting to correct failures with the Recovery Filter, Bard failed to test the redesigned filter adequately to identify the existence of a separate problem with the Eclipse, which led to migration as well as fracture and perforation in patients including Peterson. Whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the G2 filter line and warn about the dangers of the filter, is relevant to all of Plaintiff's claims. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in connection with the testimony
PL AFFIRM	Graves, Micky 02/27/2014	127:06-127:13	Override	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony implies that Bard had a duty to conduct additional testing or studies when no such duty exists. Rule 611 assumes facts not in evidence. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment. Counsel is making closing argument. Rule 403. Punitive damages are not at issue in this case.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, and to the design and testing and warnings of the Eclipse filter. The record demonstrates that in attempting to correct failures with the Recovery Filter, Bard failed to test the redesigned filter adequately to identify the existence of a separate problem with the Eclipse, which led to migration as well as fracture and perforation in patients including Peterson. Whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the G2 filter line and warn about the dangers of the filter, is relevant to all of Plaintiff's claims. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in connection with the testimony

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Graves, Micky 02/27/2014	127:15-127:20	Override	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony implies that Bard had a duty to conduct additional testing or studies when no such duty exists. Rule 611 compound question. Rule 611 assumes facts not in evidence. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment. Counsel is making closing argument. Rule 403. Punitive damages are not at issue in this case.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, and to the design and testing and warnings of the Eclipse filter. The record demonstrates that in attempting to correct failures with the Recovery Filter, Bard failed to test the redesigned filter adequately to identify the existence of a separate problem with the Eclipse, which led to migration as well as fracture and perforation in patients including Peterson. Whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the G2 filter line and warn about the dangers of the filter, is relevant to all of Plaintiff's claims. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in connection with the testimony
PL AFFIRM	Graves, Micky 02/27/2014	127:22-128:02	Override	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony implies that Bard had a duty to conduct additional testing or studies when no such duty exists. Rule 611 compound question. Rule 611 assumes facts not in evidence. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment. Counsel is making closing argument. Rule 403. Punitive damages are not at issue in this case.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, and to the design and testing and warnings of the Eclipse filter. The record demonstrates that in attempting to correct failures with the Recovery Filter, Bard failed to test the redesigned filter adequately to identify the existence of a separate problem with the Eclipse, which led to migration as well as fracture and perforation in patients including Peterson. Whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the G2 filter line and warn about the dangers of the filter, is relevant to all of Plaintiff's claims. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in connection with the testimony
PL AFFIRM	Graves, Micky 02/27/2014	128:12-129:09	Override	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony implies that Bard had a duty to conduct additional testing or studies when no such duty exists. Rule 611 compound question. Rule 611 assumes facts not in evidence. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment. Counsel is making closing argument. Rule 403. Punitive damages are not at issue in this case.	FRE 402/403/404: Design flaws in the Recovery filter, upon which the Eclipse filter family was based, are relevant to the existence of design defect, to if Bard acted as a reasonable medical device manufacturer, and to the design and testing and warnings of the Eclipse filter. The record demonstrates that in attempting to correct failures with the Recovery Filter, Bard failed to test the redesigned filter adequately to identify the existence of a separate problem with the Eclipse, which led to migration as well as fracture and perforation in patients including Peterson. Whether Bard knew it failed to catch a major design flaw in the Recovery filter as a result of inadequate testing, but then failed to conduct such testing in connection with the G2 filter line and warn about the dangers of the filter, is relevant to all of Plaintiff's claims. FRE 601/602: As a senior engineer involved in the development of the G2 filter family (see, e.g., 24:6-15), the witness has ample personal knowledge from which to answer the questions asked. FRE 612: No document was used to refresh the witness's recollection in connection with the testimony
DEF COUNTER	Graves, Micky 02/27/2014	160:24-161:22	Override	(161:19-22): FRE 402/403: Testimony regarding whether Bard warned is not relevant to any matter at issue, and the witness's personal belief that Bard warned of the complications in question is immaterial to any matter at issue; FRE 602/702: The witness is not qualified or designated to offer opinion testimony regarding the adequacy of Bard's warnings.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION	Greer, Jason 08/11/2014			The testimony in this deposition relates entirely, or in significant part, to the design of the Recovery filter and actions taken regarding that filter. Bard objects to the testimony under Rules 401, 402 and 403 and for the reasons set forth in its MIL #2. The testimony is largely focused on alleged "bad acts" relating to the Recovery filter.	The references are not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819)
PL AFFIRM	Greer, Jason 08/11/2014	5:16-5:18			
PL AFFIRM	Greer, Jason 08/11/2014	5:21-5:22			
PL AFFIRM	Greer, Jason 08/11/2014	22:06-22:11			
PL AFFIRM	Greer, Jason 08/11/2014	23:07-23:13			
PL AFFIRM	Greer, Jason 08/11/2014	25:16-25:25			
PL AFFIRM	Greer, Jason 08/11/2014	27:05-27:10			
PL AFFIRM	Greer, Jason 08/11/2014	60:06-60:09 "Starting at When"	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter. This witness left Bard's employment years before the Eclipse filter was available in the marketplace or implanted in Plaintiff. This witness/testimony has no bearing on the facts of this case and is injected merely for inflammatory purposes. Particularly given that plaintiff's claim for punitive damages has been dismissed, the testimony of this witness should be excluded in its entirety.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and Eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
PL AFFIRM	Greer, Jason 08/11/2014	60:11-60:13		This exhibit is an email was excluded by the Court's ruling on Bard's MIL on Recovery marketing and other bad acts. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter. This witness left Bard's employment years before the Eclipse filter was available in the marketplace or implanted in Plaintiff. This witness/testimony has no bearing on the facts of this case and is injected merely for inflammatory purposes. Particularly given that plaintiff's claim for punitive damages has been dismissed, the testimony of this witness should be excluded in its entirety.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and Eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
PL AFFIRM	Greer, Jason 08/11/2014	145:15	Sustain		
PL AFFIRM	Greer, Jason 08/11/2014	146:05-146:07	Sustain	This exhibit is an email was excluded by the Court's ruling on Bard's MIL on Recovery marketing and other bad acts. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter. This witness left Bard's employment years before the Eclipse filter was available in the marketplace or implanted in Plaintiff. This witness/testimony has no bearing on the facts of this case and is injected merely for inflammatory purposes. Particularly given that plaintiff's claim for punitive damages has been dismissed, the testimony of this witness should be excluded in its entirety.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and Eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
PL AFFIRM	Greer, Jason 08/11/2014	146:10	Sustain	This exhibit is an email was excluded by the Court's ruling on Bard's MIL on Recovery marketing and other bad acts. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter. This witness left Bard's employment years before the Eclipse filter was available in the marketplace or implanted in Plaintiff. This witness/testimony has no bearing on the facts of this case and is injected merely for inflammatory purposes. Particularly given that plaintiff's claim for punitive damages has been dismissed, the testimony of this witness should be excluded in its entirety.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and Eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Greer, Jason 08/11/2014	146:14-146:25	Sustain	This exhibit is an email was excluded by the Court's ruling on Bard's MIL on Recovery marketing and other bad acts. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter. This witness left Bard's employment years before the Eclipse filter was available in the marketplace or implanted in Plaintiff. This witness/testimony has no bearing on the facts of this case and is injected merely for inflammatory purposes. Particularly given that plaintiff's claim for punitive damages has been dismissed, the testimony of this witness should be excluded in its entirety.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and Eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
PL AFFIRM	Greer, Jason 08/11/2014	147:04-147:09 Starting with "it"	Sustain	This exhibit is an email was excluded by the Court's ruling on Bard's MIL on Recovery marketing and other bad acts. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter. This witness left Bard's employment years before the Eclipse filter was available in the marketplace or implanted in Plaintiff. This witness/testimony has no bearing on the facts of this case and is injected merely for inflammatory purposes. Particularly given that plaintiff's claim for punitive damages has been dismissed, the testimony of this witness should be excluded in its entirety.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and Eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
PL AFFIRM	Greer, Jason 08/11/2014	148:18-148:22 Starting with "in"	Sustain	This exhibit is an email was excluded by the Court's ruling on Bard's MIL on Recovery marketing and other bad acts. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter. This witness left Bard's employment years before the Eclipse filter was available in the marketplace or implanted in Plaintiff. This witness/testimony has no bearing on the facts of this case and is injected merely for inflammatory purposes. Particularly given that plaintiff's claim for punitive damages has been dismissed, the testimony of this witness should be excluded in its entirety.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and Eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
PL AFFIRM	Greer, Jason 08/11/2014	170:03-170:06	Overrule	This exhibit is an email was excluded by the Court's ruling on Bard's MIL on Recovery marketing and other bad acts. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter or filter fracture. This witness left Bard's employment years before the Eclipse filter was available in the marketplace or implanted in Plaintiff. This witness/testimony has no bearing on the facts of this case and is injected merely for inflammatory purposes. Particularly given that plaintiff's claim for punitive damages has been dismissed, the testimony of this witness should be excluded in its entirety.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and Eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
PL AFFIRM	Greer, Jason 08/11/2014	173:07 ending with "No. 12."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and Eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
PL AFFIRM	Greer, Jason 08/11/2014	174:10-174:13	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and Eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Greer, Jason 08/11/2014	174:16-175:09	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
DEF COUNTER	Greer, Jason 08/11/2014	174:10-175:11			
DEF COUNTER	Greer, Jason 08/11/2014	175:13-175:20			
DEF COUNTER	Greer, Jason 08/11/2014	175:22-176:05			
PL AFFIRM	Greer, Jason 08/11/2014	176:10-176:11	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This testimony does not involve the Recovery filter, Simon Nitinol filter, or any permanent filter at all. In fact, the implanting physician in this case specifically wanted to use a retrievable filter, so the Simon Nitinol filter has no bearing whatsoever on this case. This evidence has no probative value and is injected into the case merely in an attempt to inflame the jury.	
PL AFFIRM	Greer, Jason 08/11/2014	176:16-176:19	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This testimony does not involve the Recovery filter, Simon Nitinol filter, or any permanent filter at all. In fact, the implanting physician in this case specifically wanted to use a retrievable filter, so the Simon Nitinol filter has no bearing whatsoever on this case. This evidence has no probative value and is injected into the case merely in an attempt to inflame the jury.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
PL AFFIRM	Greer, Jason 08/11/2014	176:24-176:25	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This testimony does not involve the Recovery filter, Simon Nitinol filter, or any permanent filter at all. In fact, the implanting physician in this case specifically wanted to use a retrievable filter, so the Simon Nitinol filter has no bearing whatsoever on this case. This evidence has no probative value and is injected into the case merely in an attempt to inflame the jury.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.
PL AFFIRM	Greer, Jason 08/11/2014	177:03-177:04	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This testimony does not involve the Recovery filter, Simon Nitinol filter, or any permanent filter at all. In fact, the implanting physician in this case specifically wanted to use a retrievable filter, so the Simon Nitinol filter has no bearing whatsoever on this case. This evidence has no probative value and is injected into the case merely in an attempt to inflame the jury.	Bard's knowledge regarding the Recovery Filter's risks, and Bard's intent in ultimately redesigning its retrievable filters to create the G2 family (including the filter at issue) in response to the risks of the Recovery Filter, is relevant to, among other things, Bard's warnings were adequate and its knowledge based upon the failure of its testing and design of the G2X and eclipse. Further, issues with the Recovery Filter are relevant to if Bard acted as a reasonable medical device manufacturer in connection with the filter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION	Hudnall, Janet 11/03/2010			The testimony in this deposition relates entirely, or in significant part, to the design of the Recovery filter and actions taken regarding that filter. Bard objects to the testimony under Rules 401, 402 and 403 and for the reasons set forth in its MIL #2. The testimony is largely focused on alleged "bad acts" relating to the Recovery filter.	The references are not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819)
PL AFFIRM	Hudnall, Janet 11/03/2010	5:01-5:02			
DEF COUNTER	Hudnall, Janet 11/03/2010	6:08-6:21			
PL AFFIRM	Hudnall, Janet 11/03/2010	6:22-7:01			
DEF COUNTER	Hudnall, Janet 11/03/2010	7:02-7:09			
DEF COUNTER	Hudnall, Janet 11/03/2010	7:19-7:24			
DEF COUNTER	Hudnall, Janet 11/03/2010	9:12-10:04			
PL AFFIRM	Hudnall, Janet 11/03/2010	16:25-17:08			
PL AFFIRM	Hudnall, Janet 11/03/2010	36:07-36:13			
PL AFFIRM	Hudnall, Janet 11/03/2010	36:15-36:25			
PL AFFIRM	Hudnall, Janet 11/03/2010	37:11-37:23			
PL AFFIRM	Hudnall, Janet 11/03/2010	39:18-41:01	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery or G2 filters."	Testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter, which is essentially an Eclipse design and the predicate device for the G2X. (40:11 – 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (37:11 – 37:23). Testimony regarding her background and responsibilities provides necessary for the jury to judge her knowledge and credibility. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/03/2010	40:11-40:21			
PL AFFIRM	Hudnall, Janet 11/03/2010	52:10-53:02	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter, which is essentially an Eclipse design and the predicate device for the G2X. (40:11 – 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (37:11 – 37:23). Testimony regarding her background and responsibilities provides necessary for the jury to judge her knowledge and credibility. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/03/2010	53:24-54:12	Override	FRE 602, lack of foundation	
PL AFFIRM	Hudnall, Janet 11/03/2010	77:19-78:15	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery filter."	Testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter, which is essentially an Eclipse design and the predicate device for the G2X. (40:11 – 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (37:11 – 37:23). Testimony regarding her background and responsibilities provides necessary for the jury to judge her knowledge and credibility. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/03/2010	78:16-79:01 end at "retrieved"	Sustain	FRE 602, lack of foundation; calls for speculation	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/03/2010	79:18-79:22	Overrule	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony purports to address Bard's state of mind. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery filter."	Testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter, which is essentially an Eclipse design and the predicate device for the G2X. (40:11 – 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (37:11 -37:23). Testimony regarding her background and responsibilities provides necessary for the jury to judge he knowledge and credibility. The testimony is relevant to the warning and design defect claims. This also goes to Bard's intent that the Retrievable and later models such as the Eclipse were, according to Bard, permanent.
PL AFFIRM	Hudnall, Janet 11/03/2010	88:20-89:11	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery filter or filter fracture."	Testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter, which is essentially an Eclipse design and the predicate device for the G2X. (40:11 – 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/G2X filters. She was the leader/quarterback for the filter franchise. (37:11 -37:23). Testimony regarding her background and responsibilities provides necessary for the jury to judge he knowledge and credibility. The testimony is relevant to the warning and design defect claims. This also goes to Bard's intent that the Retrievable and later models such as the Eclipse were, according to Bard, permanent. Bard knew it and didn't warn about it.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION	Hudnall, Janet 11/01/2013			The testimony in this deposition relates entirely, or in significant part, to the design of the Recovery filter and actions taken regarding that filter. Bard objects to the testimony under Rules 401, 402 and 403 and for the reasons set forth in its MIL #2. The testimony is largely focused on alleged "bad acts" relating to the Recovery filter.	The references are not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819)
DEF COUNTER	Hudnall, Janet 11/01/2013	5:20-5:22			
PL AFFIRM	Hudnall, Janet 11/01/2013	31:01-32:06 Starting with "What was"			
PL AFFIRM	Hudnall, Janet 11/01/2013	33:08-33:11			
DEF COUNTER	Hudnall, Janet 11/01/2013	35:20-35:21			
DEF COUNTER	Hudnall, Janet 11/01/2013	35:23-35:25			
PL AFFIRM	Hudnall, Janet 11/01/2013	36:04-36:11	Sustain	Rules 401, 402, 403. Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists.	
DEF COUNTER	Hudnall, Janet 11/01/2013	44:14-44:24	Overrule	FRE 401, 402: relevance; FRE 602 (lack of personal knowledge); FRE 701 (opinion by lay witness based on scientific, technical or other specialized knowledge).	
DEF COUNTER	Hudnall, Janet 11/01/2013	45:24-46:11			
PL AFFIRM	Hudnall, Janet 11/01/2013	46:12-46:25	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter or Simon Nitinol Filter."	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	53:12-53:20 beginning with "And as..."	Overrule	Rules 401, 402, 403. Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	54:20-55:08	Overrule	Rules 401, 402, 403. Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	55:16-56:08	Overrule	Rules 401, 402, 403 – Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	56:15-57:12	Overrule	Rules 401, 402, 403. Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter or Simon Nitinol Filter."	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	57:14-57:16	Overrule	Rules 401, 402, 403. Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. "This case does not involve the Recovery Filter."	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	67:09-67:13	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	91:02-91:04	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	91:06-91:08 beginning with "Exhibit 20..."	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	92:24-93:10	Overrule	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 – 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	95:20-95:24	Sustain	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 – 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	99:01-100:05	Overrule	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 – 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	100:06-101:03			
PL AFFIRM	Hudnall, Janet 11/01/2013	101:04-101:09	Sustain	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 – 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	101:10-102:02			
PL AFFIRM	Hudnall, Janet 11/01/2013	102:03-102:08	Sustain	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 – 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	102:10-102:20	Sustain	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	108:02-108:08			
DEF COUNTER	Hudnall, Janet 11/01/2013	108:10-108:11			
PL AFFIRM	Hudnall, Janet 11/01/2013	108:13-108:17 beginning with "if there was..."	Overrule	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	108:19-108:22	Overrule	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	109:16-109:25	Sustain	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2014	115:04-115:09 beginning with "So you..."	Overrule	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	115:17-116:09 beginning with "were you there..."	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	136:13-136:25			
DEF COUNTER	Hudnall, Janet 11/01/2013	138:13-139:02			
PL AFFIRM	Hudnall, Janet 11/01/2013	140:07-140:11	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	141:25-142:07	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	142:13-142:20			
DEF COUNTER	Hudnall, Janet 11/01/2013	142:21-143:15			
PL AFFIRM	Hudnall, Janet 11/01/2013	147:01-147:10	Sustain	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery Filter.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	147:11-148:11			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	148:12-148:19	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	148:20-148:25			
PL AFFIRM	Hudnall, Janet 11/01/2013	150:15-150:21	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	150:24-151:17 beginning with "The representation..."	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	155:03-155:19	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	155:21-156:01 beginning with "It's an improvement..."	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	156:03-156:05 beginning with "Because..."	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	157-01-158-03	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	158-20-159-04	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	163-07-163-21			
PL AFFIRM	Hudnall, Janet 11/01/2013	166-06-166-11	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	167-07-168-04	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	168-18-169-02	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	169:18-170:18 Starting with "this is"	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	170:20-170:25	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	171:02-171:19	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	172:16-172:20			
PL AFFIRM	Hudnall, Janet 11/01/2013	172:21-173:05	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony of the witness establishes her knowledge of the subject matter of the question. See above for responses to FRE 402,403.
PL AFFIRM	Hudnall, Janet 11/01/2013	173:24-174:05	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony of the witness establishes her knowledge of the subject matter of the question. See above for responses to FRE 402,403.
PL AFFIRM	Hudnall, Janet 11/01/2013	174:08-174:11 beginning with "Okay."	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony of the witness establishes her knowledge of the subject matter of the question. See above for responses to FRE 402,403.
PL AFFIRM	Hudnall, Janet 11/01/2013	174:13-174:19 beginning with "I mean..."	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony of the witness establishes her knowledge of the subject matter of the question. See above for responses to FRE 402,403.
DEF COUNTER	Hudnall, Janet 11/01/2013	174:23-175:18	Sustain	Rules 175:16-18: non-responsive. Witness did not answer the question asked and instead offered an unsolicited opinion that is outside of her area of expertise and knowledge and is based on speculation: FRE 602 (lack of personal knowledge); FRE 701 (opinion by lay witness based on scientific, technical or other specialized knowledge). Witness then disclaimed knowledge of the subject matter: 176:8-9;	



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	178:09-178:19	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	179:02-180:12	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	181:01-181:23 begin at "I showed"			
PL AFFIRM	Hudnall, Janet 11/01/2013	184:02-184:17 beginning with "you're..."	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	185:10-186:03	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	186:04-186:11	Override	FRE 403: Misleading and confusing; optional completeness: delete 186:4-5 or add 185:25-186:3 so the context of 186:4-5 is clear.	
DEF COUNTER	Hudnall, Janet 11/01/2013	186:13-186:17			
PL AFFIRM	Hudnall, Janet 11/01/2013	186:18-187:02	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.

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DESIGNEE DEF COUNTER	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	187:10-187:14 begin at "No one" 187:15-187:18	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	188:06-188:09	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	188:11-188:12	Override	FRE 403: Misleading and confusing: "I'm sorry" is not a question. This is not proper testimony.	
DEF COUNTER	Hudnall, Janet 11/01/2013	188:18-189:03			
PL AFFIRM	Hudnall, Janet 11/01/2013	192:24-193:05	Override	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	193:06-193:12			
PL AFFIRM	Hudnall, Janet 11/01/2013	194:20-194:25	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
DEF COUNTER	Hudnall, Janet 11/01/2013	195:10-196:06			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	196:07-196:13	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	196:15-196:18	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims.
PL AFFIRM	Hudnall, Janet 11/01/2013	205:24-206:03 beginning with "This is an..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	206:05-206:15 beginning with "Have you ever..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	206:20-207:01	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	209:06-209:16	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	210:15-210:23	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	
PL AFFIRM	Hudnall, Janet 11/01/2013	211:04-211:10 beginning with "This leads" ...	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	
PL AFFIRM	Hudnall, Janet 11/01/2013	211:21-212:08 beginning with "That the blood..." Ending with "filter" redacted "and send it crashing into someone's heart and kill them"	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	212:12-212:21 beginning with "Was it..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	213:21-213:25 beginning with ""This is a simple..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	214:24-215:08 beginning with "Okay."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	217:02-217:09 beginning with "When..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	217:11-217:20 beginning with "and..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	218:24-219:17	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	220:08-221:11 beginning with "Now..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	221:19-221:22 beginning with "I mean..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	222:05-222:14 beginning with "Migration..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	222:17-222:19 beginning with "in larger..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition the witness testified to being a recipient of the document and her testimony establishes her knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	225:14-225:18	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	226:15-226:21	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	227:01-227:12	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	227:16-227:25	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See 204:10-204:12. The witness has never seen the document before and has no personal knowledge of it.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	273:01-274:04 beginning with "Is this your..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	279:13-279:24 beginning with "And then the..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	280:25-281:03	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	281:25-282:10 redacted "ten death, I mean"	Sustain	This testimony violates the Court's ruling on Recovery migration deaths. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	282:12-282:15 beginning with "It was..." Redacted lines 282:16- 283:01	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	296:09-296:19	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	296:21-297:07 beginning with "That was..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	297:09-297:18 beginning with "Effectiveness..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	316:09-316:17 beginning with "If you..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	316:19-317:09 beginning with "Do you..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.

Hudnall 11.1.13

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	317:11-317:13 beginning with "Looking at..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41 01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
DEF COUNTER	Hudnall, Janet 11/01/2013	318:02-318:06	Overrule	FRE 602 (lack of personal knowledge); FRE 701 (opinion by lay witness based on scientific, technical or other specialized knowledge); FRE 802: Hearsay.	
PL AFFIRM	Hudnall, Janet 11/01/2013	340:03-340:08 beginning with "Do you..."	Sustain	Judge Campbell sustained Defendants' objection in the MDL bellwether trials. This testimony was not allowed, and Judge Campbell ruled: "The question is not evidence." Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. This designation was excluded in the MDL.	
PL AFFIRM	Hudnall, Janet 11/01/2013	340:11 beginning with "I have..."	Sustain	Judge Campbell sustained Defendants' objection in the MDL bellwether trials. This testimony was not allowed, and Judge Campbell ruled: "The question is not evidence." Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. This designation was excluded in the MDL.	
PL AFFIRM	Hudnall, Janet 11/01/2013	342:23-343:14 beginning with "You telling..." Redact "including death" at line 10.	Overrule with redaction	This designation violates the Court's ruling on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41 01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter. With the redactions, the references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Hudnall, Janet 11/01/2013	344:11-344:18 beginning with "I am..."	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41 01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	344:20-344:21 beginning with "Yes or..."	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41 01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
DEF COUNTER	Hudnall, Janet 11/01/2013	348:10-348:13	Sustain	FRE 403: Misleading and confusing; optional completeness. The question is out of context; there is no way for the jury to determine what is being referred to by the question: "Is that okay with you ...". The context from the preceding pages is that there would be additional deaths if the Recovery was not taken off the market. Additional testimony should be designated to provide context, or the testimony should be stricken. FRE 401, 402: Relevance: Plaintiff did not designate the testimony that this concerns. Beyond the scope of direct.	
DEF COUNTER	Hudnall, Janet 11/01/2013	348:15-348:18	Sustain	FRE 403: Misleading and confusing; optional completeness. The question is out of context; there is no way for the jury to determine what is being referred to by the question: "Is that okay with you ...". The context from the preceding pages is that there would be additional deaths if the Recovery was not taken off the market. Additional testimony should be designated to provide context, or the testimony should be stricken. FRE 401, 402: Relevance: Plaintiff did not designate the testimony that this concerns. Beyond the scope of direct.	
PL AFFIRM	Hudnall, Janet 11/01/2013	348:19-348:23 beginning with "Why weren't..."	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41 01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	348:25-349:02 beginning with "Well..."	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41 01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall -37:11 -37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	349:04-349:19	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony improperly suggests that Bard had a financial motive for actions when no such evidence exists.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
DEF COUNTER	Hudnall, Janet 11/01/2013	349:22-350:02	Overrule	FRE 401, 402, 403: Statement of attorney is followed by a statement from the witness, but no question was asked. Not proper testimony/evidence. FRE 701 (opinion by lay witness based on scientific, technical or other specialized knowledge).	
DEF COUNTER	Hudnall, Janet 11/01/2013	350:04-350:05	Overrule	FRE 401, 402, 403: Statement of attorney is followed by a statement from the witness, but no question was asked. Not proper testimony/evidence. FRE 701 (opinion by lay witness based on scientific, technical or other specialized knowledge).	
PL AFFIRM	Hudnall, Janet 11/01/2013	358:05-358:15 beginning with "You were..."	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	358:24-359:04 beginning with "Then when..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	359:06-359:13 beginning with "Okay."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX2, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX2 filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	359:16-359:18 beginning with "Isn't that..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	359:20-360:08 beginning with "When it..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	360:10-360:12 beginning with "Yes."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	360:14 beginning with "Okay."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.
PL AFFIRM	Hudnall, Janet 11/01/2013	370:16-370:22 beginning with "Would it..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GXZ, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number of departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GXZ filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Hudnall, Janet 11/01/2013	370:24-370:25 beginning with "I can't..."	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The testimony describes her job responsibilities at BPV as a Senior Product Manager a position which was directly involved with the G2 filter the predicate device for the GX, both of which are essentially the same design as the Eclipse and predicated upon the Recovery. (2010.11.03 Hudnall - 40:11 - 41:01). The testimony from the witness establishes that she was in contact with a number departments and kept advised of the adverse events, complaints and training occurring with the Recovery and G2/GX filters. She was the leader/quarterback for the filter franchise. (2010.11.03 Hudnall - 37:11 - 37:23). Testimony regarding her background and responsibilities provides necessary foundation for the jury to judge her knowledge and credibility, as well as Bard's knowledge and action/inaction based thereon. The testimony is relevant to the warning and design defect claims. In addition her testimony establishes her knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Kandarpa, Krishna 07/19/2018	10:04-10:15			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	24:01-26:24	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to question at 26:22-24 (witness did not "design" study); Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to answer at 27:5-9 (witness did not "design" study).	basic information concerning background of the study which he knows all about as he was a medical monitor of and for the study. See p 24.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	27:04-30:23	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to question at 26:22-24 (witness did not "design" study); Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to answer at 27:5-9 (witness did not "design" study).	basic information concerning background of the study which he knows all about as he was a medical monitor of and for the study. See p 24.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	32:12-32:15			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	32:21-33:10			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	33:12-33:16			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	34:11-34:16	Override	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect.	he is the medical monitor and this is basic background on what he did. It is relevant information.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	35:06-35:13	Override	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect.	he is the medical monitor and this is basic background on what he did. It is relevant information.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	52:05-53:02			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	53:09-56:10			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	56:13-56:17			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	56:19-57:01			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	57:03			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	57:05-58:01			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	58:03			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	58:05-59:01			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	60:04-60:07			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	60:09-60:20	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 60:4-16; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590])	he has personal knowledge as the medical monitor.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	60:22-61:20	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to 61:15-20; witness testifies he is assuming at 61:20)	he has personal knowledge as the medical monitor.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	62:22-63:04	Override	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony purports to address Bard's state of mind. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 63:1-4 and 63:6-10; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590])	This is relevant as Bard sponsored a study of its G2 (essentially the same design as the Eclipse and G2X) and had control over the parameters of the study. It did not look at safety or efficacy, not did it seek to confirm or refute the significant problems with the G2 filter designs. Bard later relied upon the study in determining the nature and extent of its product warnings.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	63:06-63:24	Override	Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Testimony purports to address Bard's state of mind. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 63:1-4 and 63:6-10; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590])	This is relevant as Bard sponsored a study of its G2 (essentially the same design as the Eclipse and G2X) and had control over the parameters of the study. It did not look at safety or efficacy, not did it seek to confirm or refute the significant problems with the G2 filter designs. Bard later relied upon the study in determining the nature and extent of its product warnings.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	67:17-67:21			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	67:24-68:03			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	68:20-69:16			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Kandarpa, Krishna 07/19/2018	71:18-74:03	Overrule	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Again, the Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	74:06-74:14	Overrule	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 74:10-14; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590])	Again, the Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	74:17-75:06	Overrule	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness (as to 74:17-75:2; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590]) Rule 701. Testimony is improper opinion testimony by a lay witness (as to 74:4-6)	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	75:08-75:14	Overrule	Rule 701. Testimony is improper opinion testimony by a lay witness	He is not stating an opinion.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	76:19-80:24			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	81:02-81:19			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	81:21-81:24	Overrule	This exhibit should not be marked or shown to the jury. All testimony regarding it was excluded by agreement of counsel (Dkt. 81, Para. 6, page 7) and the Court's ruling on Bard's MIL. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Witness is being asked to lay foundation for document not created by him).	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	91:17-92:18			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	92:20-93:24	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to 93:18-24; witness is being asked to interpret document he did not prepare)	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	94:02-96:22	Sustain as to 94:11-94:22	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to 94:2-21; witness is being asked to interpret document he did not prepare; witness answer is speculation ("I suspect"))	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	96:24-97:12			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	97:14-98:23			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	99:01-100:06			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	100:08-101:02	Sustain	Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 100:8-22; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590]). As to 100:8-22, testimony is improper narrative with no question pending (MDL sustained objection on this ground as well as Rule 701)	
PL AFFIRM	Kandarpa, Krishna 07/19/2018	101:04-101:21			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	101:23-103:06			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	103:08-104:11			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	104:13-105:01			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	105:03-106:17			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	106:19-107:19			

Kandarpa 7.19.18



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Kandarpa, Krishna 07/19/2018	107:21-108:01			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	108:10-108:12			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	109:04-109:05			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	109:15-109:16			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	109:24-110:22			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	110:24-113:04	Override	Rule 701. Testimony is improper opinion testimony by a lay witness, (as to question at 113:3-4; question is not in relation to Dr. Kandarpa's role as medical monitor)	The witness is stating facts within his knowledge as the medical monitor. No opinion testimony is solicited.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	113:06-114:06	Override	Rule 701. Testimony is improper opinion testimony by a lay witness, (as to answer at 113:6-14; question and answer is not in relation to Dr. Kandarpa's role as medical monitor)	The witness is stating facts within his knowledge as the medical monitor. No opinion testimony is solicited.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	114:08-115:10			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	115:13-116:04			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	116:06-117:23			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	118:01-119:03			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	119:05-119:15			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	119:17-119:21			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	120:12-120:17			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	120:21-123:04	Override	Rule 611(c) Leading question of witness on direct. (as to question at 123:3-4)	question to develop testimony
PL AFFIRM	Kandarpa, Krishna 07/19/2018	123:06-123:12	Override	Rule 611(c) Leading question of witness on direct. (all questions are leading)	same
PL AFFIRM	Kandarpa, Krishna 07/19/2018	123:14-124:01	Override	Rule 611(c) Leading question of witness on direct. (all questions are leading)	same
PL AFFIRM	Kandarpa, Krishna 07/19/2018	124:04-124:07	Override	Rule 611(c) Leading question of witness on direct.	same
PL AFFIRM	Kandarpa, Krishna 07/19/2018	124:09-124:14	Override	Rule 611(c) Leading question of witness on direct. (as to answer at 124:9) Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	124:16-125:04	Sustain as to 126:2-126:4	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rule 701. Testimony is improper opinion testimony by a lay witness, (as to question at 126:2-4; goes beyond scope of doctor's role as medical monitor for study)	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	125:07-125:18	Override	Rule 701. Testimony is improper opinion testimony by a lay witness, (as to answer at 126:7-13; goes beyond scope of doctor's role as medical monitor for study) Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	125:20-126:04	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness, (as to question at 126:14; 9 MDL court sustained objection in 9:12:18 order [Dkt. No. 12590]) Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	126:06-126:20	Sustain as to 126:7-126:13	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness, (as to answer at 126:6-15; MDL court sustained objection in 9:12:18 order [Dkt. No. 12590]) Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Kandarpa, Krishna 07/19/2018	126:22-127:04	Sustain	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	127:06-128:05	Sustain	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 611(c) Leading question of witness on direct. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 128:1-5; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590]) Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	128:07-128:12	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 611(c) Leading question of witness on direct. Rule 701. Testimony is improper opinion testimony by a lay witness. (MDL court sustained objection in 9.12.18 order [Dkt. No. 12590]) Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	
PL AFFIRM	Kandarpa, Krishna 07/19/2018	128:15-129:15	Override	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rule 701. Testimony is improper opinion testimony by a lay witness.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	129:17-130:09	Sustain	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rule 701. Testimony is improper opinion testimony by a lay witness.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	130:11-130:19	Sustain	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rule 701. Testimony is improper opinion testimony by a lay witness.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	131:13-131:18	Sustain	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rule 701. Testimony is improper opinion testimony by a lay witness. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 131:11-18; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590])	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Kandarpa, Krishna 07/19/2018	131:20-132:01	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (MDL court sustained objection in 9.12.18 order [Dkt. No. 12590]) Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403. Testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	132:03-132:17	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 132:3-10; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590]). Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 132:11-17; outside scope of role as medical monitor). Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	132:19-133:06	Sustain	Rule 701. Testimony is improper opinion testimony by a lay witness. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. Rule 611(c) Leading question of witness on direct. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 133:3-6; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590]).	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	133:08-133:21	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 611(c) Leading question of witness on direct. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 133:8-15; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590]) Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. (as to question at 133:8-15.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	133:23-134:09			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	134:11-135:10			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	135:12-136:11	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (question and answer at 136:4-11 and 136:13-18 ask witness to speculate)	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	136:13-137:15	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (question and answer at 136:4-11 and 136:13-18 ask witness to speculate). Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. (as to 136:20-137:15.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	137:17-137:23	Override	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Kandarpa, Krishna 07/19/2018	138:02	Overrule	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	138:04-138:09	Overrule	Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
DEF COUNTER	Kandarpa, Krishna 07/19/2018	141:08-141:13			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	141:18-141:21			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	142:06-142:18			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	143:05-143:20			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	144:01-144:03			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	144:06-144:12			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	144:18-144:23			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	145:07-145:14			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	146:01-146:17			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	149:02-149:08			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	149:19-150:02			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	150:06-152:01			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	152:08-152:14			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	153:03-153:04	Overrule	FRE 402	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	153:08-153:10	Overrule	FRE 402	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	153:19-153:23	Overrule	FRE 402	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	161:20-161:23 ending with "Probably not."			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	162:02			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	162:04-162:06 ending with "No, I did not."			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	162:07-162:18			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	162:22-163:02			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	163:04-163:09			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	163:12-163:17			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	163:22-164:06			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	164:20-164:21			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	165:05-165:07			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	165:16-165:19			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	166:04-166:11	Overrule	assumes facts not in evidence; calls for speculation	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	166:13-167:18	Overrule	Assumes facts not in evidence; calls for speculation	

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Kandarpa, Krishna 07/19/2018	169:19			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	169:21-169:22			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	170:02-170:06			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	170:12			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	170:17-170:22			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	171:03-171:06	Sustain	Assumes facts not in evidence; calls for speculation	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	171:09	Sustain	Assumes facts not in evidence; calls for speculation	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	171:12			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	171:15			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	171:18-171:19			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	172:01			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	172:07-172:12			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	172:13-172:15 starting with "reported filter"			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	172:17			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	172:19			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	172:24-173:05	Overrule	Assumes facts not in evidence; calls for speculation	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	173:14-173:19	Overrule	Assumes facts not in evidence; calls for speculation	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	174:09-174:14 starting with "Exhibit 13"	Overrule	Assumes facts not in evidence; calls for speculation	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	174:18-174:22	Overrule	Assumes facts not in evidence; calls for speculation;FRE 402, 403	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	176:14-176:19			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	177:18-177:20	Sustain	misstated the answer of the witness	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	177:23-178:01 ending with "report of it."	Sustain	asked and answered	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	178:07-178:19	Overrule	FRE 402	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	179:18-180:06			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	181:06-181:07			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	181:09-181:14			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	181:18-181:20			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	182:17			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	182:22-183:09	Sustain	hearsay; calls for speculation	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	183:12-183:14	Overrule	hearsay; calls for speculation	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	183:16	Overrule	FRE 602	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	186:06-186:10			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	187:07-187:19 ending with "No I don t."	Overrule	misstated the answer of the witness	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	187:23-188:03 ending with "...if it did."	Overrule	FRE 402, 403, 602	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Kandarpa, Krishna 07/19/2018	188-08 "I don't know"	Overrule	FRE 602, calls for hearsay	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	188-10-188-12	Overrule	fre 602; calls for hearsay	
DEF COUNTER	Kandarpa, Krishna 07/19/2018	191-09-191-12			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	191-24-192-08			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	ending with "No I don't."			
DEF COUNTER	Kandarpa, Krishna 07/19/2018	193-16-194-04 ending with "Yeah."	Sustain		
PL AFFIRM	Kandarpa, Krishna 07/19/2018	201-05-201-10	Overrule	FRE 402, 403	
PL AFFIRM	Kandarpa, Krishna 07/19/2018	201-12-202-03	Overrule	Rule 611(c) Leading question of witness on direct. Rule 701. Testimony is improper opinion testimony by a lay witness.	
PL AFFIRM	Kandarpa, Krishna 07/19/2018	205-20-207-13	Overrule	Rule 611(c) Leading question of witness on direct. Rule 701. Testimony is improper opinion testimony by a lay witness.	
PL AFFIRM	Kandarpa, Krishna 07/19/2018	208-02-208-24			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	209-03-211-07			
PL AFFIRM	Kandarpa, Krishna 07/19/2018	211-09-212-18	Overrule	Rules 106, 403. Plaintiffs counsel / questioner used improper/incomplete exhibit. (as to 212:19-213 08)	
PL AFFIRM	Kandarpa, Krishna 07/19/2018	219-13-221-13	Sustain	Rule 611(a)(3) questioning is argumentative and subjects witness to harassment. (as to questions and answers at 219:13-14). Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 601/602 & 612. Lacks foundation. witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 219:16-220:2). Rules 601/602 & 612. Lacks foundation. witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 221 9-13)	
PL AFFIRM	Kandarpa, Krishna 07/19/2018	221-15-223-13	Overrule as to 223:7-223:18	Rules 603/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 221:15-222:13 and 223:2-13; doctor is being asked about internal Bard document that he has not seen before and is outside scope of his role as medical monitor). Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. (as to 224:2-11)	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	223-15-226:19	Overrule	Rules 603/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 221:15-222:13 and 223:2-13; doctor is being asked about internal Bard document that he has not seen before and is outside scope of his role as medical monitor). Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address injury or failure mode at issue. (as to 224:2-11)	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	226-22-227:03	Sustain	Rules 603/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 611 assumes facts not in evidence.	The Eclipse was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Kandarpa, Krishna 07/19/2018	231-03-231:10	Sustain as to 231:8-231:10	Rule 611(c) Leading question of witness on direct. (as to question at 231:8-10)	Used to develop testimony and foundation
PL AFFIRM	Kandarpa, Krishna 07/19/2018	232-10-232:14			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Little, William 07/27/2016	9:22-9:23			
PL AFFIRM	Little, William 07/27/2016	10:07-10:12			
DEF COUNTER	Little, William 07/27/2016	10:07-10:09			
DEF COUNTER	Little, William 07/27/2016	10:12			
DEF COUNTER	Little, William 07/27/2016	10:16-10:18			
DEF COUNTER	Little, William 07/27/2016	10:22-11:04			
PL AFFIRM	Little, William 07/27/2016	11:01-11:06			
PL AFFIRM	Little, William 07/27/2016	17:13-18:02			
PL AFFIRM	Little, William 07/27/2016	beginning "So you left..." 20:07-20:20			
PL AFFIRM	Little, William 07/27/2016	22:13-22:23			
PL AFFIRM	Little, William 07/27/2016	24:04-24:19			
PL AFFIRM	Little, William 07/27/2016	24:22-24:25			
PL AFFIRM	Little, William 07/27/2016	35:01-35:10			
PL AFFIRM	Little, William 07/27/2016	39:20-40:05			
PL AFFIRM	Little, William 07/27/2016	40:10-40:20			
PL AFFIRM	Little, William 07/27/2016	(beginning "And tell...") 41:14-41:22			
PL AFFIRM	Little, William 07/27/2016	(beginning "And I...") 42:16-42:25			
PL AFFIRM	Little, William 07/27/2016	43:05-43:19			
PL AFFIRM	Little, William 07/27/2016	50:03-50:07			
DEF COUNTER	Little, William 07/27/2016	55:09-57:25	Overrule	(1) FRE 402, 403: The testimony regarding Bard's obligation in general and/or under FDA requirements to disclose information to physicians should be excluded because it is irrelevant to any matter at issue; further, any nominal probative value of the testimony is outweighed by the dangers of time-wasting and confusion of the issues, because, among other things, failure to warn is not at issue. (2) the witness's opinion about Bard "trying to do the right thing" in its sales efforts is inadmissible character evidence and ought to be excluded under FRE 404(a)	
PL AFFIRM	Little, William 07/27/2016	65:05-65:08			
DEF COUNTER	Little, William 07/27/2016	65:08-65:12			
PL AFFIRM	Little, William 07/27/2016	96:14-96:18			
PL AFFIRM	Little, William 07/27/2016	98:04-98:13			
DEF COUNTER	Little, William 07/27/2016	98:13-98:22			
PL AFFIRM	Little, William 07/27/2016	106:12-106:16			
DEF COUNTER	Little, William 07/27/2016	beginning "Was there:" 106:18-106:19	Overrule	(1) FRE 402/403: Objection to testimony concerning 510k process for reasons stated in Plaintiffs' motion in limine; (2) FRE 402/403: objection to including two extended colloquies between counsel, which are not evidence	
DEF COUNTER	Little, William 07/27/2016	107:13-107:24	Overrule	(1) FRE 402/403: Objection to testimony concerning 510k process for reasons stated in Plaintiffs' motion in limine; (2) FRE 402/403: objection to including two extended colloquies between counsel, which are not evidence	
PL AFFIRM	Little, William 07/27/2016	157:22-158:23			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Little, William 07/27/2016	172:20-173:05	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit.
PL AFFIRM	Little, William 07/27/2016	173:24-174:01	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit.
PL AFFIRM	Little, William 07/27/2016	174:15-175:02	Overrule	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit.
PL AFFIRM	Little, William 07/27/2016	175:10-176:19	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit. FRE 401/402/403: Bard's knowledge and intent in redesigning its retrievable filters to create the G2 family (including the filter at issue), including its knowledge of the risks of the G2's predicate filter, the Recovery Filter, is relevant to, among other things, whether Bard acted as a reasonably prudent manufacturer in its testing and design of the Eclipse. Further, whether and to what extent the filter had a risk of migration is a matter the jury may consider in deciding whether the filter as designed met consumer expectations and warnings.
PL AFFIRM	Little, William 07/27/2016	177:03-177:14 ending "...factors, yes."	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit. FRE 401/402/403: Bard's knowledge and intent in redesigning its retrievable filters to create the G2 family (including the filter at issue), including its knowledge of the risks of the G2's predicate filter, the Recovery Filter, is relevant to, among other things, whether Bard acted as a reasonably prudent manufacturer in its testing and design of the Eclipse. Further, whether and to what extent the filter had a risk of migration is a matter the jury may consider in deciding whether the filter as designed met consumer expectations and warnings.
PL AFFIRM	Little, William 07/27/2016	177:23-178:16	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit.
PL AFFIRM	Little, William 07/27/2016	179:02-180:02	Sustain as to 179:17-179:22	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit.
DEF COUNTER	Little, William 07/27/2016	180:03-181:23 redact "and a death" line 180:19 end at "penetration"	Overrule	FRE 402/403: Objection to including colloquies between counsel and discussion with videographer.	attached as an exhibit
DEF COUNTER	Little, William 07/27/2016	181:25-182:02	Overrule	FRE 402/403: Objection to including colloquies between counsel and discussion with videographer.	
PL AFFIRM	Little, William 07/27/2016	187:03-187:24			
PL AFFIRM	Little, William 07/27/2016	188:12-188:15			
DEF COUNTER	Little, William 07/27/2016	188:16-188:25	Overrule	FRE 402/403: Objection to including colloquies between counsel and discussion with videographer.	
PL AFFIRM	Little, William 07/27/2016	189:01-190:11			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Little, William 07/27/2016	191:11-192:25			
DEF COUNTER	Little, William 07/27/2016	193:01-193:10	Overrule	FRE 402/403: Objection to including colloquies between counsel and discussion with videographer.	
PL AFFIRM	Little, William 07/27/2016	193:24-194:14			
DEF COUNTER	Little, William 07/27/2016	194:15-195:18	Overrule	FRE 402/403: Objection to including colloquies between counsel and discussion with videographer.	
PL AFFIRM	Little, William 07/27/2016	199:23-200:03 end "Yeah"			
DEF COUNTER	Little, William 07/27/2016	200:03-200:04	Overrule	FRE 402/403: Objection to including colloquies between counsel and discussion with videographer.	
PL AFFIRM	Little, William 07/27/2016	200:17-200:23			
PL AFFIRM	Little, William 07/27/2016	201:17-202:05			
PL AFFIRM	Little, William 07/27/2016	203:09-204:05			
PL AFFIRM	Little, William 07/27/2016	204:08-204:09 end "Yeah"			
DEF COUNTER	Little, William 07/27/2016	204:08-204:24			
DEF COUNTER	Little, William 07/27/2016	205:02-205:15			
PL AFFIRM	Little, William 07/27/2016	205:16-209:02			
PL AFFIRM	Little, William 07/27/2016	210:04-210:06			
DEF COUNTER	Little, William 07/27/2016	246:14-246:17			
DEF COUNTER	Little, William 07/27/2016	246:19-247:15			
PL AFFIRM	Little, William 07/27/2016	272:11-272:15 end "right"			
PL AFFIRM	Little, William 07/27/2016	300:08-300:15			
PL AFFIRM	Little, William 07/27/2016	329:07-329:08			
PL AFFIRM	Little, William 07/27/2016	329:11-329:21			
PL AFFIRM	Little, William 07/27/2016	331:03-331:15			
PL AFFIRM	Little, William 07/27/2016	359:01-359:02			
PL AFFIRM	Little, William 07/27/2016	359:06-359:13			
PL AFFIRM	Little, William 07/27/2016	363:04-364:04			
DEF COUNTER	Little, William 07/27/2016	364:05-364:13	Sustain	364:8-11 non-responsive	
PL AFFIRM	Little, William 07/27/2016	364:14-364:18			
DEF COUNTER	Little, William 07/27/2016	364:19-364:25	Overrule	non-responsive after "no"	
PL AFFIRM	Little, William 07/27/2016	374:05-374:06	Overrule	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. see 364 9-11 and 15-19 and 380:22-24	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit.
PL AFFIRM	Little, William 07/27/2016	374:12-374:14	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Little, William 07/27/2016	374:20-375:20	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit. FRE 401/402/403: Bard's knowledge and intent in redesigning its retrievable filters to create the G2 family (including the filter at issue), including its knowledge of the risks of the G2's predicate filter, the Recovery Filter, is relevant to, among other things, whether Bard acted as a reasonably prudent manufacturer in its testing and design of the Eclipse.
PL AFFIRM	Little, William 07/27/2016	376:02-376:05 ending "Yeeah."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit. FRE 401/402/403: Bard's knowledge and intent in redesigning its retrievable filters to create the G2 family (including the filter at issue), including its knowledge of the risks of the G2's predicate filter, the Recovery Filter, is relevant to, among other things, whether Bard acted as a reasonably prudent manufacturer in its testing and design of the Eclipse. Further, whether and to what extent the filter had a risk of migration is a matter the jury may consider in deciding whether the filter as designed met consumer expectations.
DEF COUNTER	Little, William 07/27/2016	376:05-376:25 subject to objection			
PL AFFIRM	Little, William 07/27/2016	377:05-377:10	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit. FRE 401/402/403: Bard's knowledge and intent in redesigning its retrievable filters to create the G2 family (including the filter at issue), including its knowledge of the risks of the G2's predicate filter, the Recovery Filter, is relevant to, among other things, whether Bard acted as a reasonably prudent manufacturer in its testing and design of the Eclipse. Further, whether and to what extent the filter had a risk of migration is a matter the jury may consider in deciding whether the filter as designed met consumer expectations.
PL AFFIRM	Little, William 07/27/2016	377:14-377:21 beginning "Is that what..."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit. FRE 401/402/403: Bard's knowledge and intent in redesigning its retrievable filters to create the G2 family (including the filter at issue), including its knowledge of the risks of the G2's predicate filter, the Recovery Filter, is relevant to, among other things, whether Bard acted as a reasonably prudent manufacturer in its testing and design of the Eclipse.
PL AFFIRM	Little, William 07/27/2016	377:25-378:06	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit. FRE 401/402/403: Bard's knowledge and intent in redesigning its retrievable filters to create the G2 family (including the filter at issue), including its knowledge of the risks of the G2's predicate filter, the Recovery Filter, is relevant to, among other things, whether Bard acted as a reasonably prudent manufacturer in its testing and design of the Eclipse.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Little, William 07/27/2016	378:10-380:03 ending "...it does."	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Also incomplete designation. The complete answer is 380:3-8	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit. FRE 401/402/403: Bard's knowledge and intent in redesigning its retrievable filters to create the G2 family (including the filter at issue), including its knowledge of the risks of the G2's predicate filter, the Recovery Filter, is relevant to, among other things, whether Bard acted as a reasonably prudent manufacturer in its testing and design of the Eclipse.
DEF COUNTER	Little, William 07/27/2016	380:03-380:08 subject to objection			
DEF COUNTER	Little, William 07/27/2016	380:22-380:24 subject to objection			
PL AFFIRM	Little, William 07/27/2016	384:20-384:25	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. No answer designated. Just a statement by counsel	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit. FRE 401/402/403: Bard's knowledge and intent in redesigning its retrievable filters to create the G2 family (including the filter at issue), including its knowledge of the risks of the G2's predicate filter, the Recovery Filter, is relevant to, among other things, whether Bard acted as a reasonably prudent manufacturer in its testing and design of the Eclipse.
PL AFFIRM	Little, William 07/27/2016	386:20-387:02	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. 386:20 is an answer to no question. 387:2 is an incomplete answer. 387:3-4 are necessary to complete the answer.	FRE 601/602/612: The witness has personal knowledge of the subject matter discussed in this otherwise-admissible document, based on his role at Bard. The testimony is proper as discussed at more length in Plaintiffs' Response to Defendants' Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh recollection, the document is attached as an exhibit. FRE 401/402/403: Bard's knowledge and intent in redesigning its retrievable filters to create the G2 family (including the filter at issue), including its knowledge of the risks of the G2's predicate filter, the Recovery Filter, is relevant to, among other things, whether Bard acted as a reasonably prudent manufacturer in its testing and design of the Eclipse.
DEF COUNTER	Little, William 07/27/2016	387:03-387:04 subject to objection			
DEF COUNTER	Little, William 07/27/2016	390:14			
DEF COUNTER	Little, William 07/27/2016	390:19-391:11	Overrule	(390:19-391:11) The witness's testimony regarding the SIR guidelines should be excluded under FRE 402 & 403 for the reasons discussed in Plaintiffs' Omnibus Motion in Limine to exclude recommendations of professional advocacy organizations	The MIL was denied.
PL AFFIRM	Little, William 07/27/2016	391:12-391:22			
DEF COUNTER	Little, William 07/27/2016	392:01-392:10	Overrule	(392:04-392:10) (1) The witness's testimony regarding the SIR guidelines should be excluded under FRE 402 & 403 for the reasons discussed in Plaintiffs' Omnibus Motion in Limine to exclude recommendations of professional advocacy organizations; (2) the testimony should be excluded under FRE 701 & 702 because this witness is not a radiologist or healthcare provider and is not qualified as an expert to offer opinion testimony interpreting "what the	The MIL was denied.
PL AFFIRM	Little, William 07/27/2016	447:01-447:03			
PL AFFIRM	Little, William 07/27/2016	447:06-447:09			
DEF COUNTER	Little, William 07/27/2016	463:08-463:24	Sustain	(463:08-463:24) The witness's testimony concerning the "Filter Facts" website should be excluded under FRE 402 & 403 because it has no probative value and/or any nominal probative value is outweighed by the dangers of confusion and time-wasting. Further, the witness's testimony at 463:21-24, concerning Bard's "intention" in designing the Filter Facts website should be excluded as non-responsive. Finally the witness's testimony at lines 22-24 regarding the "fear mongering website...we were dealing with" (a reference to lawyer advertising) is outweighed by the danger of undue prejudice, as discussed in Plaintiff's Omnibus Motion in Limine.	To the extent Plaintiff's argue that the Eclipse name was created to "break with the baggage, this testimony is relevant to why and how Bard was treating the market place and information at the time that the Eclipse filter was being sold.
PL AFFIRM	Little, William 07/27/2016	486:05-486:10			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Little, William 07/27/2016	488:10-488:16			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Little, William 07/27/2016	10:07-10:09			
DEF AFFIRM	Little, William 07/27/2016	10:12			
DEF AFFIRM	Little, William 07/27/2016	10:16-10:18			
DEF AFFIRM	Little, William 07/27/2016	10:22-11:06			
DEF COUNTER TO COUNTER	Little, William 07/27/2016	12:12-14:03			
DEF COUNTER TO COUNTER	Little, William 07/27/2016	14:14-15:12			
DEF AFFIRM	Little, William 07/27/2016	19:22-20:04			
DEF AFFIRM	Little, William 07/27/2016	20:21-21:14			
DEF COUNTER TO COUNTER	Little, William 07/27/2016	23:02-23:09			
PL COUNTER	Little, William 07/27/2016	24:04-24:25			
PL COUNTER	Little, William 07/27/2016	42:16	Sustain	Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial.	
PL COUNTER	Little, William 07/27/2016	42:22-42:25	Sustain	Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial.	
DEF AFFIRM	Little, William 07/27/2016	55:09-56:05			
DEF AFFIRM	Little, William 07/27/2016	57:04-57:25			
PL COUNTER	Little, William 07/27/2016	67:13-67:17			
PL COUNTER	Little, William 07/27/2016	69:11-69:19			
DEF COUNTER TO COUNTER	Little, William 07/27/2016	94:21-95:13			
PL COUNTER	Little, William 07/27/2016	96:14-96:18			
DEF AFFIRM	Little, William 07/27/2016	117:03-119:24 start at And if			
DEF COUNTER TO COUNTER	Little, William 07/27/2016	117:03-118:17			
DEF COUNTER TO COUNTER	Little, William 07/27/2016	119:14-119:24			
DEF AFFIRM	Little, William 07/27/2016	146:01-146:14	Override	FRE 402/403	Directly relevant to negligent desing claim and "standard of care" alleged by Plaintiff
DEF AFFIRM	Little, William 07/27/2016	187:03-189:20			
DEF AFFIRM	Little, William 07/27/2016	199:19-204:05	Override	FRE 402/403	Relevant to feasible alternaive designs.
DEF AFFIRM	Little, William 07/27/2016	204:08-205:15			
DEF AFFIRM	Little, William 07/27/2016	208:16-209:14			
DEF AFFIRM	Little, William 07/27/2016	218:21-219:11			
DEF AFFIRM	Little, William 07/27/2016	244:12-245:15			
DEF AFFIRM	Little, William 07/27/2016	245:18-246:17			
DEF AFFIRM	Little, William 07/27/2016	246:19-248:23			
PL COUNTER	Little, William 07/27/2016	300:04-300:19			
DEF AFFIRM	Little, William 07/27/2016	390:14			
DEF AFFIRM	Little, William 07/27/2016	390:19-391:11			
DEF AFFIRM	Little, William 07/27/2016	392:01-392:10			
DEF AFFIRM	Little, William 07/27/2016	432:05-432:22			

Little 7.27.16 DEF

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER TO COUNTER	Little, William 07/27/2016	436:01-436:20			
DEF AFFIRM	Little, William 07/27/2016	441:05-441:24	Overrule	(441:05-441:24) this witness's opinion that Bard was concerned about "long term doing the right thing" is inadmissible character evidence under FRE 404(a)(1).	The witness has a significant amount of experience in the medical device industry and is speaking from his personal knowledge.
DEF AFFIRM	Little, William 07/27/2016	442:10-442:13	Overrule	(442:10-442:13) The testimony regarding the witness's general observations of actions by Bard employees in response to adverse events is inadmissible under FRE 404(b)(1) as evidence of "other acts" offered here to prove Bard's/Bard employees' character to prove that Bard and/or its employees acted in conformity therewith; further the witness's opinion that Bard employees were "good people...trying to do the right thing" is inadmissible as character evidence under FRE 404(a)(1).	The witness has a significant amount of experience in the medical device industry and is speaking from his personal knowledge.
DEF AFFIRM	Little, William 07/27/2016	442:18-443:02	Overrule	(overlaps with above)	The witness has a significant amount of experience in the medical device industry and is speaking from his personal knowledge.
DEF AFFIRM	Little, William 07/27/2016	463:08-463:24	Sustain	(463:08-463:24) The witness's testimony concerning the "Filter Facts" website should be excluded under FRE 402 & 403 because it has no probative value and/or any nominal probative value is outweighed by the dangers of confusion and time-wasting. Further, the witness's testimony at 463:21-24, concerning Bard's "intention" in designing the Filter Facts website should be excluded as nonresponsive. Finally the witness's testimony at lines 22-24 regarding the "fear monitoring website...we were dealing with" (a reference to lawyer advertising) is outweighed by the danger of undue prejudice, as discussed in Plaintiff's Omnibus Motion in Limine.	The witness has a significant amount of experience in the medical device industry and is speaking from his personal knowledge. If Plaintiff introduces evidence that opens the door to the Filter Facts website and the reasons it was created, Defendants are entitled to present evidence to explain explain.
PL COUNTER	Little, William 07/27/2016	488:10-488:16			
PL COUNTER	Little, William 07/27/2016	488:23-488:25	Overrule	Rule 407 – Subsequent remedial measures are not admissible.	
PL COUNTER	Little, William 07/27/2016	489:01-489:05			
PL COUNTER	Little, William 07/27/2016	489:14-489:23			
DEF COUNTER TO COUNTER	Little, William 07/27/2016	490:03-490:06			
PL COUNTER	Little, William 07/27/2016	490:12-490:21	Overrule	Rule 407 – Subsequent remedial measures are not admissible.	
PL COUNTER	Little, William 07/27/2016	500:02-500:04	Overrule	Rule 407 – Subsequent remedial measures are not admissible.	
PL COUNTER	Little, William 07/27/2016	500:11-500:14	Overrule	Rule 407 – Subsequent remedial measures are not admissible.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				Mr. McDermott's testimony is not relevant to the issues in this case. He left BPV in 2007 before the Plaintiff's filter was manufactured and his testimony relates to the Recovery filter which is irrelevant under Rules 401, 402, and 403. This testimony is Recovery "bad acts" as addressed by the Court in Bard's MIL.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing, warnings and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, tilt, and fracture. He is at risk for fracture and death or serious injury in the future from the fractured strut from his filter that is still embedded in his L3 vertebral body.
PL AFFIRM	McDermott, John 02/05/2014	09:12-09:17			
PL AFFIRM	McDermott, John 02/05/2014	22:24-23:10 beginning with "while you were..."			
PL AFFIRM	McDermott, John 02/05/2014	24:02-24:05			
PL AFFIRM	McDermott, John 02/05/2014	24:07			
PL AFFIRM	McDermott, John 02/05/2014	24:09-24:14			
PL AFFIRM	McDermott, John 02/05/2014	27:14-27:18			
PL AFFIRM	McDermott, John 02/05/2014	27:21-27:23			
PL AFFIRM	McDermott, John 02/05/2014	28:10-28:13			
DEF COUNTER	McDermott, John 02/05/2014	65:12-65:17			
DEF COUNTER	McDermott, John 02/05/2014	65:19			
DEF COUNTER	McDermott, John 02/05/2014	("anybody") 65:21-66:03 (ends at "other")			
PL AFFIRM	McDermott, John 02/05/2014	66:03-66:05 beginning with "did you ever..."			
DEF COUNTER	McDermott, John 02/05/2014	66:07			
PL AFFIRM	McDermott, John 02/05/2014	66:09-66:10			
PL AFFIRM	McDermott, John 02/05/2014	66:15-66:19	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue: Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	66:21	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue: Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	66:23-67:05	Overrule	Rules 401, 402, 403. Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
DEF COUNTER	McDermott, John 02/05/2014	67:06-67:07			
DEF COUNTER	McDermott, John 02/05/2014	67:09			
PL AFFIRM	McDermott, John 02/05/2014	69:14-69:15	Overrule	Rules 401, 402, 403. Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Also, incomplete answer. The answer continues on lines 15, 16, 19, and 21-22.	See Plaintiff's response to Bard's general objection above.
DEF COUNTER	McDermott, John 02/05/2014	69:15-69:16 ("They're")	Overrule	Non-responsive. Objection located at 69:23.	
DEF COUNTER	McDermott, John 02/05/2014	69:19	Overrule	Non-responsive. Objection located at 69:23.	
DEF COUNTER	McDermott, John 02/05/2014	69:21-69:22	Overrule	Non-responsive. Objection located at 69:23.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	McDermott, John 02/05/2014	78:15-78:21 subject to objection			
PL AFFIRM	McDermott, John 02/05/2014	78:22-79:04 beginning with "But did you..." Redact the word "Death" from line 24	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	83:05-83:06 beginning with "Exhibit 2..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	83:09-84:03	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
DEF COUNTER	McDermott, John 02/05/2014	84:04-84:09 subject to objection	Overrule	Plaintiff objects under rules 401, 402 and 403. Who exactly reviewed or contributed to the document is irrelevant to the issues at hand.	
DEF COUNTER	McDermott, John 02/05/2014	84:14-84:16 subject to objection	Overrule	Plaintiff objects under rules 401, 402 and 403. Who exactly reviewed or contributed to the document is irrelevant to the issues at hand.	
DEF COUNTER	McDermott, John 02/05/2014	84:21-84:23 subject to objection	Overrule	Plaintiff objects under rules 401, 402 and 403. Who exactly reviewed or contributed to the document is irrelevant to the issues at hand.	
PL AFFIRM	McDermott, John 02/05/2014	87:03-87:05	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	91:01-91:08 beginning with "this is page..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	91:14-91:22	Overrule	Rules 401, 402 & 403 (sustained by Judge Campbell). Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	92:03-92:18	Overrule	Rules 401, 402 & 403 (sustained by Judge Campbell). Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	93:18	Overrule	Rules 401, 402 & 403 (sustained by Judge Campbell). Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	93:25-94:01 beginning with "So we're on..."	Overrule	Rules 401, 402 & 403 (sustained by Judge Campbell). Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	94:17-94:18 beginning with "It's Bates No..."	Overrule	Rules 401, 402 & 403 (sustained by Judge Campbell). Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	94:20-95:03	Overrule	Rules 401, 402 & 403 (sustained by Judge Campbell). Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
DEF COUNTER	McDermott, John 02/05/2014	95:10-95:17	Overrule	Plaintiff objects under rules 401, 402 and 403. Who exactly reviewed or contributed to the document is irrelevant to the issues at hand.	
PL AFFIRM	McDermott, John 02/05/2014	98:06-98:10	Sustain	Rules 401, 402 & 403: (sustained by Judge Campbell).	
PL AFFIRM	McDermott, John 02/05/2014	98:14-98:20 beginning with "Isn't that..."	Sustain	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	
PL AFFIRM	McDermott, John 02/05/2014	101:10-101:14	Sustain	Rules 401, 402 & 403: (sustained by Judge Campbell).	

McDermott 2.5.14



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	McDermott, John 02/05/2014	105:16-105:22 (end at "but")			
PL AFFIRM	McDermott, John 02/05/2014	105:22-106:01 beginning with "this was..." ending with "yeah."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
DEF COUNTER	McDermott, John 02/05/2014	106:01-106:07 ("The...")			
DEF COUNTER	McDermott, John 02/05/2014	107:10-107:14			
PL AFFIRM	McDermott, John 02/05/2014	107:15-108:14	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	108:23-109:05 beginning with "is there any..."	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	111:16-111:20	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	111:23	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	112:01-112:02	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This objection was sustained by Judge Campbell MDL Dkt. 10438, page 10.	See Plaintiff's response to Bard's general objection above.
DEF COUNTER	McDermott, John 02/05/2014	112:05-112:08			
PL AFFIRM	McDermott, John 02/05/2014	112:12-112:18 Redact Lines 14 to 15 from "I showed" to "second death"	Overrule	This testimony relates to Recovery cephalad migration. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This objection was sustained by Judge Campbell MDL Dkt. 10438, page 10.	See Plaintiff's response to Bard's general objection above.
PL AFFIRM	McDermott, John 02/05/2014	112:20-112:22	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This objection was sustained by Judge Campbell MDL Dkt. 10438, page 10.	See Plaintiff's response to Bard's general objection above.
DEF COUNTER	McDermott, John 02/05/2014	127:10-127:15	Overrule	vague	
DEF COUNTER	McDermott, John 02/05/2014	127:17	Overrule	vague	
DEF COUNTER	McDermott, John 02/05/2014	128:02-128:07	Overrule	vague	
DEF COUNTER	McDermott, John 02/05/2014	137:16-137:20			
DEF COUNTER	McDermott, John 02/05/2014	137:22-137:23	Sustain	non-responsive.	
PL AFFIRM	McDermott, John 02/05/2014	190:11-190:16 beginning with "I marked..."	Sustain	Rules 601 & 602. The witness testified he was not involved in the creation of this document and has no personal knowledge about it. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	see Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.
DEF COUNTER	McDermott, John 02/05/2014	190:17-190:23 subject to objection	Overrule	Plaintiff's punitive damages claim dismissed FRE 602	
PL AFFIRM	McDermott, John 02/05/2014	192:12-192:14	Sustain	Rules 601 & 602. The witness testified he was not involved in the creation of this document and has no personal knowledge about it. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	see Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.
DEF COUNTER	McDermott, John 02/05/2014	192:17-193:05 subject to objection	Overrule	Plaintiff's punitive damages claim dismissed leading, answer non-responsive; calls for speculation	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	McDermott, John 02/05/2014	194:17-195:03	Sustain	Rules 601, 602 & 612. Document is after witness left the company. He has no personal knowledge. (see 284:5) (Objection sustained by Judge Campbell). Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.
DEF COUNTER	McDermott, John 02/05/2014	195:10-195:13 subject to objection	Overrule	non-responsive	
DEF COUNTER	McDermott, John 02/05/2014	195:23-196:11 subject to objection			
PL AFFIRM	McDermott, John 02/05/2014	196:12-197:07	Sustain	Rules 601, 602 & 612. Document is after witness left the company. He has no personal knowledge. (see 284:5) (Objection sustained by Judge Campbell). Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.
PL AFFIRM	McDermott, John 02/05/2014	199:14-199:23	Sustain	Rules 601, 602 & 612. Document is after witness left the company. He has no personal knowledge. (see 199:24-25) (Objection sustained by Judge Campbell). Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
DEF COUNTER	McDermott, John 02/05/2014	199:24-199:25 subject to objection			
PL AFFIRM	McDermott, John 02/05/2014	204:15	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	204:17-204:18	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	204:21-205:15	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	207:16-207:18	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	228:17-228:23	Overrule	Rules 410, 402 and 403-implies Bard has a duty to patients when the law in Oregon is that the duty to warn is to the physician.	No such implication.
DEF COUNTER	McDermott, John 02/05/2014	229 01		Rules 410, 402 and 403-implies Bard has a duty to patients when the law in Oregon is that the duty to warn is to the physician.	No such implication.
PL AFFIRM	McDermott, John 02/05/2014	230 08	Overrule	Rules 601, 602 and 612. Witness has no personal knowledge of the document that was written 4 years after he left the company, and counsel is reading the document into evidence.	See Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.
PL AFFIRM	McDermott, John 02/05/2014	284:02-284:15 beginning with "Exhibit 15,"	Sustain	Rules 601, 602 and 612. Witness has no personal knowledge of the document that was written 4 years after he left the company, and counsel is reading the document into evidence.	See Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.
PL AFFIRM	McDermott, John 02/05/2014	285:01-285:10 beginning with "And if you..."	Sustain	Rules 601, 602 and 612. Witness has no personal knowledge of the document that was written 4 years after he left the company, and counsel is reading the document into evidence.	See Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.
PL AFFIRM	McDermott, John 02/05/2014	285:12	Sustain	Rules 601, 602 and 612. Witness has no personal knowledge of the document that was written 4 years after he left the company, and counsel is reading the document into evidence.	See Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.
PL AFFIRM	McDermott, John 02/05/2014	285:14-285:21	Sustain	Rules 601, 602 and 612. Witness has no personal knowledge of the document that was written 4 years after he left the company, and counsel is reading the document into evidence.	See Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.
PL AFFIRM	McDermott, John 02/05/2014	285:24-285:25	Sustain	Rules 601, 602 and 612. Witness has no personal knowledge of the document that was written 4 years after he left the company, and counsel is reading the document into evidence.	See Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.
PL AFFIRM	McDermott, John 02/05/2014	286:02-286:04	Sustain	Rules 601, 602 and 612. Witness has no personal knowledge of the document that was written 4 years after he left the company, and counsel is reading the document into evidence.	See Plaintiff's response to Bard's general objection above. Further, the testimony of the witness established his knowledge of the subject matter and he is also charged with such knowledge by virtue of his position at Bard.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	McDermott, John 02/05/2014	288:13-289:03			
PL AFFIRM	McDermott, John 02/05/2014	289:05-289:07			
PL AFFIRM	McDermott, John 02/05/2014	296:17-296:22			
PL AFFIRM	McDermott, John 02/05/2014	296:24			
PL AFFIRM	McDermott, John 02/05/2014	297:01-297:24 beginning with "Now, one..."			
PL AFFIRM	McDermott, John 02/05/2014	303:13-303:23 beginning with "in some..."	Overrule	This relates solely to the Recovery filter and actions taken about that filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	307:01-307:15	Overrule	This relates solely to the Recovery filter and actions taken about that filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	307:19-307:20	Overrule	This relates solely to the Recovery filter and actions taken about that filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	307:22-307:23	Overrule	This relates solely to the Recovery filter and actions taken about that filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	308:04-308:08	Overrule	This relates solely to the Recovery filter and actions taken about that filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	308:10	Overrule	This relates solely to the Recovery filter and actions taken about that filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	311:12-312:08	Overrule	This exhibit being discussed violates the Court's ruling on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	317:15-317:21	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	See Plaintiff's response above to Bard's general FRE 402 and 403 objections.
PL AFFIRM	McDermott, John 02/05/2014	320:21-320:24 beginning with "The comparison..."			
PL AFFIRM	McDermott, John 02/05/2014	321:01			
PL AFFIRM	McDermott, John 02/05/2014	349:17-349:21			
PL AFFIRM	McDermott, John 02/05/2014	349:25			
PL AFFIRM	McDermott, John 02/05/2014	350:02-350:03			
PL AFFIRM	McDermott, John 02/05/2014	350:06			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Modra, Chad 06/06/2014	5:23-5:24			
PL AFFIRM	Modra, Chad 06/06/2014	7:07-7:25			
PL AFFIRM	Modra, Chad 06/06/2014	12:23-13:01	Overrule	Rules 401, 402 and 403. Exhibits not marked.	
PL AFFIRM	Modra, Chad 06/06/2014	16:13-16:23			
PL AFFIRM	Modra, Chad 06/06/2014	19:05-19:10			
DEF COUNTER	Modra, Chad 06/06/2014	19:11-19:20			
PL AFFIRM	Modra, Chad 06/06/2014	19:21-20:01			
DEF COUNTER	Modra, Chad 06/06/2014	20:02-20:09			
PL AFFIRM	Modra, Chad 06/06/2014	20:20-21:19			
PL AFFIRM	Modra, Chad 06/06/2014	22:02-22:22			
DEF COUNTER	Modra, Chad 06/06/2014	22:23-22:25			
PL AFFIRM	Modra, Chad 06/06/2014	23:02-23:10			
DEF COUNTER	Modra, Chad 06/06/2014	23:11-23:12	Sustain	FRE 602/702: Witness is not qualified or designated to offer testimony as an expert in marketing practices across the industry, and the testimony given is beyond the scope of his personal knowledge.	
DEF COUNTER	Modra, Chad 06/06/2014	23:15-23:16	Sustain	FRE 602/702: Witness is not qualified or designated to offer testimony as an expert in marketing practices across the industry, and the testimony given is beyond the scope of his personal knowledge.	
PL AFFIRM	Modra, Chad 06/06/2014	26:05-26:08			
PL AFFIRM	Modra, Chad 06/06/2014	26:11-26:20			
PL AFFIRM	Modra, Chad 06/06/2014	26:23-27:02			
PL AFFIRM	Modra, Chad 06/06/2014	30:10-30:14 (beginning "did Bard make...")			
DEF COUNTER	Modra, Chad 06/06/2014	30:15-30:18	Sustain	FRE 602/702: Witness is not qualified or designated to offer testimony as an expert in marketing practices across the industry, and the testimony given is beyond the scope of his personal knowledge.	
DEF COUNTER	Modra, Chad 06/06/2014	30:22-30:25	Sustain	FRE 602/702: Witness is not qualified or designated to offer testimony as an expert in marketing practices across the industry, and the testimony given is beyond the scope of his personal knowledge.	
DEF COUNTER	Modra, Chad 06/06/2014	31:06-31:09			
DEF COUNTER	Modra, Chad 06/06/2014	31:11-31:23			
PL AFFIRM	Modra, Chad 06/06/2014	49:11-49:15 (beginning "And now...")			
DEF COUNTER	Modra, Chad 06/06/2014	77:07-77:08 subject to objection	Sustain	FRE 602/702: Witness lacks personal knowledge of this matter and the testimony given is speculative lay opinion; witness is neither qualified nor designated as an expert to testify on this matter.	
DEF COUNTER	Modra, Chad 06/06/2014	77:11-77:12 subject to objection	Sustain	FRE 602/702: Witness lacks personal knowledge of this matter and the testimony given is speculative lay opinion; witness is neither qualified nor designated as an expert to testify on this matter.	
DEF COUNTER	Modra, Chad 06/06/2014	77:23-77:25 subject to objection	Sustain	FRE 602/702: Witness lacks personal knowledge of this matter and the testimony given is speculative lay opinion; witness is neither qualified nor designated as an expert to testify on this matter.	
DEF COUNTER	Modra, Chad 06/06/2014	78:01-78:11 subject to objection	Sustain	FRE 602/702: Witness lacks personal knowledge of this matter and the testimony given is speculative lay opinion; witness is neither qualified nor designated as an expert to testify on this matter.	
DEF COUNTER	Modra, Chad 06/06/2014	84:20-84:23 (beginning "have you ever...")	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Goes to foundation

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Modra, Chad 06/06/2014	85:06-85:17 (beginning "so this document)	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	85:6-9 goes to foundation. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	87:05-87:07	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
PL AFFIRM	Modra, Chad 06/06/2014	87:10-87:15	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
PL AFFIRM	Modra, Chad 06/06/2014	87:19-87:25	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	88:24-89:02	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	foundation
PL AFFIRM	Modra, Chad 06/06/2014	89:14-89:17	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Counsel is reading from the document	foundation
PL AFFIRM	Modra, Chad 06/06/2014	90:06-90:08 (beginning ("the Eclipse)	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rule 407. Subsequent remedial measures are not admissible. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Counsel is reading from the document.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Modra, Chad 06/06/2014	90:10-90:14	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Counsel is reading from the document.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	90:20-91:03	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Counsel is reading from the document.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	91:05-91:06	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Counsel is reading from the document.	85:6-9 goes to foundation. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	91:08-91:09	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Counsel is reading from the document.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	91:11-91:18 Ending at "market"	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Counsel is reading from the document.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Modra, Chad 06/06/2014	91:23-91:24	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Counsel is reading from the document.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	93:17-93:18 (beginning "Bard was aware...")	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Counsel is reading from the document.	
PL AFFIRM	Modra, Chad 06/06/2014	93:21-94:05	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	94:07-94:09	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	85:6-9 goes to foundation. Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	100:06-100:15	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
PL AFFIRM	Modra, Chad 06/06/2014	100:23-101:02 (beginning "And this...")	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Modra, Chad 06/06/2014	101:05-101:08 (beginning "And so...")	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embolism. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	102:05-102:08	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
PL AFFIRM	Modra, Chad 06/06/2014	102:10	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embolism. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	112:12-112:19 (Start at 112:12 with "and so")	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embolism. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.
PL AFFIRM	Modra, Chad 06/06/2014	102:23-103:05	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embolism. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Modra, Chad 06/06/2014	103:08-103:15	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Bard chose to market the Eclipse filter using the 510(k) process which relied upon the Recovery filter as the predicate. All G2 filter platform filters, including the Eclipse trace their design history to the Recovery filter and the defects in the Eclipse design only can be understood only in the context of the entire filter-line development. Testimony regarding the Recovery filter's complications, testing and design is relevant and is not outweighed by any prejudicial effect. Judge Campbell agreed with this position in Jones v. Bard. [MDL Order No. 10819]. The failure modes are relevant to the assessment of the defects in the design of the filter whether a particular failure mode has occurred; however, Mr. Peterson has experienced perforation, migration, fracture, tilt, and embedment. His filter is still implanted and he is at risk for fracture in the future. This testimony goes directly to the issues of Bard's design and warning failures. The testimony of the witness establishes his knowledge of the subject matter.
PL AFFIRM	Modra, Chad 06/06/2014	104:03-104:08			
PL AFFIRM	Modra, Chad 06/06/2014	107:17-107:18	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. (see 107:18-20). Also, incomplete question and answer 107:18-20 are necessary)	FRE 601/602/612: Witness has personal knowledge of the dates when Bard's filters were developed and went on and off the market and is testifying here as a corporate representative of Bard on these topics; see further, Plaintiff's Response to Defendant's Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh the witness's recollection, the document is available to Bard as a deposition exhibit.
DEF COUNTER	Modra, Chad 06/06/2014	107:17-107:20			
PL AFFIRM	Modra, Chad 06/06/2014	107:23-108:11	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: Witness has personal knowledge of the dates when Bard's filters were developed and went on and off the market and is testifying here as a corporate representative of Bard on these topics; see further, Plaintiff's Response to Defendant's Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh the witness's recollection, the document is available to Bard as a deposition exhibit.
PL AFFIRM	Modra, Chad 06/06/2014	108:14-109:10	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: Witness has personal knowledge of the dates when Bard's filters were developed and went on and off the market and is testifying here as a corporate representative of Bard on these topics; see further, Plaintiff's Response to Defendant's Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh the witness's recollection, the document is available to Bard as a deposition exhibit.
PL AFFIRM	Modra, Chad 06/06/2014	109:13-109:21	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: Witness has personal knowledge of the dates when Bard's filters were developed and went on and off the market and is testifying here as a corporate representative of Bard on these topics; see further, Plaintiff's Response to Defendant's Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh the witness's recollection, the document is available to Bard as a deposition exhibit.
PL AFFIRM	Modra, Chad 06/06/2014	110:10-110:20	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: Witness has personal knowledge of the dates when Bard's filters were developed and went on and off the market and is testifying here as a corporate representative of Bard on these topics; see further, Plaintiff's Response to Defendant's Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh the witness's recollection, the document is available to Bard as a deposition exhibit.
PL AFFIRM	Modra, Chad 06/06/2014	110:22-110:23	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances.	FRE 601/602/612: Witness has personal knowledge of the dates when Bard's filters were developed and went on and off the market and is testifying here as a corporate representative of Bard on these topics; see further, Plaintiff's Response to Defendant's Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh the witness's recollection, the document is available to Bard as a deposition exhibit.
DEF COUNTER	Modra, Chad 06/06/2014	110:25-111:04			
DEF COUNTER	Modra, Chad 06/06/2014	subject to objection 111:07-111:11 subject to objection			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Modra, Chad 06/06/2014	112:12-112:19 (Start at 112:12 with "and so")	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Also incomplete answer. 112:6-10 is the full answer	FRE 601/602/612: Witness has personal knowledge of the dates when Bard's filters were developed and went on and off the market and is testifying here as a corporate representative of Bard on these topics; see further, Plaintiff's Response to Defendant's Motion in Limine concerning personal knowledge. To the extent the testimony involves a document used to refresh the witness's recollection, the document is available to Bard as a deposition exhibit.
PL AFFIRM	Modra, Chad 06/06/2014	112:21-113:05	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 601/602/612: question is about a matter within the witness's personal knowledge and one for which he is offered to testify as Bard's corporate representative. To the extent testimony was refreshed, the relevant documents were attached as deposition exhibits and thus are available to Bard. FRE 401/402/403: Testimony is relevant to establishing Bard's internal knowledge and Bard's admissions in internal corporate documents.
PL AFFIRM	Modra, Chad 06/06/2014	113:09-113:13 (beginning "And so...")	Sustain	Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	FRE 601/602/612: question is about a matter within the witness's personal knowledge and one for which he is offered to testify as Bard's corporate representative. To the extent testimony was refreshed, the relevant documents were attached as deposition exhibits and thus are available to Bard. FRE 401/402/403: Testimony is relevant to establishing Bard's internal knowledge and Bard's admissions in internal corporate documents.
DEF COUNTER	Modra, Chad 06/06/2014	119:23-120:10	Overrule	fre 402, 403 - reference to SIR guidelines is irrelevant in this context	
DEF COUNTER	Modra, Chad 06/06/2014	120:12-120:13	Overrule	FRE 402, 403 - reference to SIR guidelines is irrelevant in this context	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				Bard refers to the parties stipulation in Dkt 121, Para. 7. Plaintiff agreed to limit the evidence relating to the Warning letter to Topic 3 of the letter and not to present this testimony until the parties address it with the Court outside the presence of the jury. The warning letter postdates the implant of the filter in this case and the injuries alleged to have been caused by the Eclipse filter. It is not relevant to Plaintiff's negligence claims.	See Plaintiff's Response to Defendant's Motion in Limine. Plaintiff will approach before offering the testimony from 12/15/2015 transcript.
PL AFFIRM	Modra, Chad 12/15/2015	10:25-11:02			
PL AFFIRM	Modra, Chad 12/15/2015	11:09-11:16			
PL AFFIRM	Modra, Chad 12/15/2015	12:01-12:12			
PL AFFIRM	Modra, Chad 12/15/2015	30:06-30:11			
PL AFFIRM	Modra, Chad 12/15/2015	30:18-31:04			
PL AFFIRM	Modra, Chad 12/15/2015	36:21-37:25			
PL AFFIRM	Modra, Chad 12/15/2015	77:25-78:22			
PL AFFIRM	Modra, Chad 12/15/2015	82:15-82:20			
PL AFFIRM	Modra, Chad 12/15/2015	86:07-86:25			
PL AFFIRM	Modra, Chad 12/15/2015	87:04-87:22			
PL AFFIRM	Modra, Chad 12/15/2015	88:18-91:19			
PL AFFIRM	Modra, Chad 12/15/2015	92:18-92:20			
PL AFFIRM	Modra, Chad 12/15/2015	92:22-92:24			
PL AFFIRM	Modra, Chad 12/15/2015	93:01-93:04			
PL AFFIRM	Modra, Chad 12/15/2015	97:13-97:21			
PL AFFIRM	Modra, Chad 12/15/2015	97:23-98:11			
PL AFFIRM	Modra, Chad 12/15/2015	98:13-98:15			
PL AFFIRM	Modra, Chad 12/15/2015	98:17-98:19			
PL AFFIRM	Modra, Chad 12/15/2015	99:03-99:06			
PL AFFIRM	Modra, Chad 12/15/2015	100:02-100:13			
PL AFFIRM	Modra, Chad 12/15/2015	102:23-103:17			
PL AFFIRM	Modra, Chad 12/15/2015	103:19			
PL AFFIRM	Modra, Chad 12/15/2015	103:21-104:21			
PL AFFIRM	Modra, Chad 12/15/2015	104:23-105:17			
PL AFFIRM	Modra, Chad 12/15/2015	105:19-105:20			
PL AFFIRM	Modra, Chad 12/15/2015	105:22-109:07			
PL AFFIRM	Modra, Chad 12/15/2015	109:09-109:10			
PL AFFIRM	Modra, Chad 12/15/2015	110:11-110:18			
PL AFFIRM	Modra, Chad 12/15/2015	110:23-111:11			
PL AFFIRM	Modra, Chad 12/15/2015	111:14-112:16			
PL AFFIRM	Modra, Chad 12/15/2015	113:02-113:10			
PL AFFIRM	Modra, Chad 12/15/2015	115:20-116:02			
Modra 12.15.15	Modra, Chad 12/15/2015				

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Modra, Chad 12/15/2015	116:04-117:17			
PL AFFIRM	Modra, Chad 12/15/2015	119:05-121:08			
PL AFFIRM	Modra, Chad 12/15/2015	121:11-122:10 beginning with "and then..."			
PL AFFIRM	Modra, Chad 12/15/2015	123:17-125:09			
PL AFFIRM	Modra, Chad 12/15/2015	125:17-125:25			
PL AFFIRM	Modra, Chad 12/15/2015	126:08-127:06			
PL AFFIRM	Modra, Chad 12/15/2015	127:15-127:18			
PL AFFIRM	Modra, Chad 12/15/2015	128:01-128:16			
PL AFFIRM	Modra, Chad 12/15/2015	129:03-130:02			
PL AFFIRM	Modra, Chad 12/15/2015	130:11-131:07			
PL AFFIRM	Modra, Chad 12/15/2015	144:07-144:20			
PL AFFIRM	Modra, Chad 12/15/2015	149:04-150:11			
PL AFFIRM	Modra, Chad 12/15/2015	151:08-151:22			
PL AFFIRM	Modra, Chad 12/15/2015	152:08-152:16			
PL AFFIRM	Modra, Chad 12/15/2015	153:23-154:06			
PL AFFIRM	Modra, Chad 12/15/2015	156:13-157:04			
PL AFFIRM	Modra, Chad 12/15/2015	158:14-158:16			
PL AFFIRM	Modra, Chad 12/15/2015	163:09-164:02			
PL AFFIRM	Modra, Chad 12/15/2015	164:05-164:10			
PL AFFIRM	Modra, Chad 12/15/2015	164:12			
PL AFFIRM	Modra, Chad 12/15/2015	176:20-178:09			
PL AFFIRM	Modra, Chad 12/15/2015	178:11-178:13			
PL AFFIRM	Modra, Chad 12/15/2015	178:15-178:19			
PL AFFIRM	Modra, Chad 12/15/2015	179:19-180:04			
PL AFFIRM	Modra, Chad 12/15/2015	181:03-182:17			
PL AFFIRM	Modra, Chad 12/15/2015	184:08-184:18			
PL AFFIRM	Modra, Chad 12/15/2015	185:01-185:12			
PL AFFIRM	Modra, Chad 12/15/2015	192:15-193:23			
PL AFFIRM	Modra, Chad 12/15/2015	193:25			
PL AFFIRM	Modra, Chad 12/15/2015	194:02			
PL AFFIRM	Modra, Chad 12/15/2015	194:04-194:12			
PL AFFIRM	Modra, Chad 12/15/2015	194:14			
PL AFFIRM	Modra, Chad 12/15/2015	194:16-194:18			
PL AFFIRM	Modra, Chad 12/15/2015	194:20-194:21			
PL AFFIRM	Modra, Chad 12/15/2015	195:03-195:05			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Modra, Chad 12/15/2015	195:18-195:23			
PL AFFIRM	Modra, Chad 12/15/2015	195:25-196:02			
PL AFFIRM	Modra, Chad 12/15/2015	196:04-196:14			
PL AFFIRM	Modra, Chad 12/15/2015	197:05-197:06			
PL AFFIRM	Modra, Chad 12/15/2015	197 08			
PL AFFIRM	Modra, Chad 12/15/2015	197:21-197:25			
PL AFFIRM	Modra, Chad 12/15/2015	198 02			
PL AFFIRM	Modra, Chad 12/15/2015	198:15-198:18			
PL AFFIRM	Modra, Chad 12/15/2015	198:20			
PL AFFIRM	Modra, Chad 12/15/2015	198:22-199:07			
PL AFFIRM	Modra, Chad 12/15/2015	199:14-199:18			
PL AFFIRM	Modra, Chad 12/15/2015	199:22-200:18			
PL AFFIRM	Modra, Chad 12/15/2015	200:20-200:24			
PL AFFIRM	Modra, Chad 12/15/2015	201:23-202:04			
PL AFFIRM	Modra, Chad 12/15/2015	202:14-203:03			
PL AFFIRM	Modra, Chad 12/15/2015	203:05-203:25			
PL AFFIRM	Modra, Chad 12/15/2015	206:01-206:08			
PL AFFIRM	Modra, Chad 12/15/2015	214:22-215:01			
PL AFFIRM	Modra, Chad 12/15/2015	216:11-218:14			
PL AFFIRM	Modra, Chad 12/15/2015	219:06-221:05			
PL AFFIRM	Modra, Chad 12/15/2015	221:07-221:08			
PL AFFIRM	Modra, Chad 12/15/2015	221:10-221:13			
PL AFFIRM	Modra, Chad 12/15/2015	258:17-259:24			
PL AFFIRM	Modra, Chad 12/15/2015	260:12-260:24			
PL AFFIRM	Modra, Chad 12/15/2015	262:16-263:01			
PL AFFIRM	Modra, Chad 12/15/2015	263:03-263:04			
PL AFFIRM	Modra, Chad 12/15/2015	263:06-263:10			
PL AFFIRM	Modra, Chad 12/15/2015	263:12-263:13			
PL AFFIRM	Modra, Chad 12/15/2015	263:15-263:25			
PL AFFIRM	Modra, Chad 12/15/2015	264:05-264:11			
PL AFFIRM	Modra, Chad 12/15/2015	264:15-264:24			
PL AFFIRM	Modra, Chad 12/15/2015	265:01-265:02			
PL AFFIRM	Modra, Chad 12/15/2015	265:18-265:24			
PL AFFIRM	Modra, Chad 12/15/2015	271:25-272:05			
PL AFFIRM	Modra, Chad 12/15/2015	272:07-272:08			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Modra, Chad 12/15/2015	272:10-273:02			
PL AFFIRM	Modra, Chad 12/15/2015	273:23-274:02			
PL AFFIRM	Modra, Chad 12/15/2015	274:17-275:10			
PL AFFIRM	Modra, Chad 12/15/2015	276:05-276:22			
PL AFFIRM	Modra, Chad 12/15/2015	279:10-279:14			
PL AFFIRM	Modra, Chad 12/15/2015	280:20-280:22			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	7:22-8:01			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	10:05-10:08			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	19:15-19:18	Sustain	This testimony is not longer accurate-her employer has changed	
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	29:03-29:06	Overrule	Rules 401, 402 and 403-implies that Bard has a duty to warn patients. Under Oregon law that duty is to physicians.	It is relevant as to what information Bard made public.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	38:21-39:02			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	39:17-39:19			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	39:21			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	42:23-42:25			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	43:06-43:17 Starting at "They" Ending at "Yes"			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	43:17-43:21			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	61:20-61:22			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	66:04-66:08 Ending with "No"			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	68:16-68:21			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	79:11-79:15 Ending with "use"			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	82:03-82:05 Starting with "When the"			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	82:10-82:12			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	86:23-87:01			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	87:08-87:09			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	91:03-91:07	Sustain	Rules 401, 402 and 403-there is no allegation that the filter in this case was mislabeled or adulterated.	Evidence will be presented that Bard distributed false information
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	91:09-91:13	Sustain	Rules 401, 402 and 403-there is no allegation that the filter in this case was mislabeled or adulterated.	Evidence will be presented that Bard distributed false information
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	107:09-107:13			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	107:17-107:19 Ending with "Yes"			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	111:06-111:10			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	111:12 "Yes"	Sustain	incomplete answer. Complete answer is lines 12-16 and 19	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	134:11-134:12 Ending at "Filter"			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	134:12 "When Cleared"			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	134:13-134:17 Starting at "Cleared"			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	151:14-151:19 Ending at "Them"	Overrule	incomplete answer. Complete answer is on lines 18-21	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	173:21-174:03 Starting at "Did"			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	184:07	Overrule	Rules601/602 and 612-The witness was not at Bard when this document was created and counsel is reading it into the record.	This is information that the witness should have been aware of. The 510K was something that she should have been exposed to during her time at Bard.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	184:21-184:25	Overrule	Rules601/602 and 612-The witness was not at Bard when this document was created and counsel is reading it into the record.	This is information that the witness should have been aware of. The 510K was something that she should have been exposed to during her time at Bard.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	186:11-186:17	Overrule	Rules 601/602 and 612-The witness was not at Bard when this document was created and counsel is reading it into the record.	This is information that the witness should have been aware of. The 510K was something that she should have been exposed to during her time at Bard.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	191:10			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	191:17-191:21 Starting at "Traditional"			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	192:03-192:09			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	192:25-193:05			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	196:24-197:09	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2X, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	223:11-223:15	Overrule	Rules 401, 402 ad 403	Bard having the ability to recall its products is relevant to the case at hand.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	230:02-230:06	Overrule	Rules 401, 402 and 403-there is no allegation that the filter in this case was mislabeled or adulterated.	Evidence will be presented that Bard distributed false information
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	231:19-231:22			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	231:24 "It may, yes"	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 241:3-4. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The witness has testified the her knowledge of the Bard line of filters and her role in the product of Bard filters. Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2X, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not
DEF COUNTER	O'Quinn, Shari Allen 10/09/2013	232:01-232:02			
DEF COUNTER	O'Quinn, Shari Allen 10/09/2013	232 04			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	240:14	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 241:3-4. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The witness has testified the her knowledge of the Bard line of filters and her role in the product of Bard filters. Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2X, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	249:03-249:12	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2X, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	249:24-250:04	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2X, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	250:07-250:08	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 271:15	The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	271 03	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 271:15	The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
DEF COUNTER	O'Quinn, Shari Allen 10/09/2013	271:15	Overrule	improper designation. And answer without a question. Nonresponsive.	



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	272:22-272:25	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 271:15	The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	276:03-276:10	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 271:15	The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	276:13	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 271:15	The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	276:15-276:16	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	277:20-278:06	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	290:03			
DEF COUNTER	O'Quinn, Shari Allen 10/09/2013	290:13-290:14	Overrule	Improper designation. And answer without a question. Nonresponsive.	
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	290:16-291:04 Ending at "Bard"	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	291:09-291:10	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	292:05-292:17	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue: Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	294:06-294:07	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue: Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	294:13-294:14	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue: Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	297:08-297:16	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue: Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Incomplete answer. Answer is on lines 21 and 24. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	297:22-298:02	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	298:13-298:18	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	298:20	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	300:13-300:18	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	300:21	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	300:25 Beginning with "It"	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	301:02-301:05	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	303:18-303:23	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	304:01-304:02	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	304:15-305:07	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	305:10-305:15	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	305:19-306:02	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	306:09-306:13	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	307:06-307:07	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	306:09	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	307:18-308:04	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	308:06-308:13	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	308:20-309:03	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	309:21-309:23	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. The witness does have to see a document to be familiar with its contents. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	310:08-310:09	Sustain	No exhibit marked and counsel is reading from a document not in evidence. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Counsel is not reading from a document.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	310:12-310:22	Sustain	No exhibit marked and counsel is reading from a document not in evidence. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	310:24	Sustain	No exhibit marked and counsel is reading from a document not in evidence. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Counsel is not reading from a document.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	320:11-320:21	Sustain	No exhibit marked and counsel is reading from a document not in evidence. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Counsel is not reading from a document. This information we be pre-admitted into evidence.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	320:23	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Counsel is not reading from a document. This information we be pre-admitted into evidence.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	321:17-322:01	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Incomplete answer	Counsel is not reading from a document. This information we be pre-admitted into evidence.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	322:07	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Counsel is not reading from a document. This information we be pre-admitted into evidence.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	332:12-332:18	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Counsel is not reading from a document. This information we be pre-admitted into evidence.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	332:24-332:25 ending at "are"	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	333:17-333:21	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	333:23-333:24	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	337:23-338:06	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	338:08-338:09	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	338:11	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	338:13-338:18 Starting with "I'm sure"	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. This is information that the witness should have known.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	341:08-341:17	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair. The witness has established her ability to testify to this subject matter. This is information that the witness should have known.
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	341:19-341:20			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	341:23			
PL AFFIRM	O'Quinn, Shari Allen 10/09/2013	341:25			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL BLANKET OBJECTION	O'Quinn, Shari Allen 10/09/2013			Plaintiff objects to all of the testimony of Ms. O'Quinn regarding 510(k) process/application, FDA regulations/communication, and SIR guidelines. Testimony regarding the 510(k), FDA regulations, and SIR are not relevant and Plaintiff incorporates his arguments. In addition to the Motion in Limine/Motion to Exclude, Plaintiff makes the following specific objections and designations:	
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	7:22-7:24			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	17:25-18:08			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	21:22-22:16			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	24:01-24:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	24:16-24:20			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	26:13-26:19			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	27:01-27:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	27:15-27:21			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	29:03-29:21			
PL COUNTER	O'Quinn, Shari Allen 10/09/2013	43:06-43:10			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	46:03-47:02			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	51:15-51:22			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	55:03-55:14			
PL COUNTER	O'Quinn, Shari Allen 10/09/2013	66:04-66:14	Sustain	Incomplete answer. The answer continues through line 11. Without the complete answer the response implies that Bard did not do what the FDA required.	
DEF COUNTER TO COUNTER	O'Quinn, Shari Allen 10/09/2013	66:04-66:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	80:04-80:08			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	80:10-80:12			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	80:17-81:03 ("If there was")			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	83:02-83:07			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	83:09-83:17			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	83:19-83:25			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	84:06-84:18			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	222:22-222:25			
DEF AFFIRM	O'Quinn, Shari Allen 10/09/2013	223:02-223:04			
PL COUNTER	O'Quinn, Shari Allen 10/09/2013	290:16-292:16	Sustain	This is designated as an affirmative and is a duplicate. Bard incorporates its objection to the affirmative designation.	
PL COUNTER	O'Quinn, Shari Allen 10/09/2013	302:17-302:24	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure made at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	O'Quinn, Shari Allen 10/09/2013	303:01-303:03	Sustain	Duplicate of affirmative designation and cumulative. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	
PL COUNTER	O'Quinn, Shari Allen 10/09/2013	304:16-304:25	Sustain	Duplicate of affirmative designation and cumulative. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	
PL COUNTER	O'Quinn, Shari Allen 10/09/2013	305:01-305:08	Sustain	Duplicate of affirmative designation and cumulative. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	
PL COUNTER	O'Quinn, Shari Allen 10/09/2013	305:10-305:15	Sustain	Duplicate of affirmative designation and cumulative. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	
PL COUNTER	O'Quinn, Shari Allen 10/09/2013	305:18-305:21	Sustain	Duplicate of affirmative designation and cumulative. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 290:13-14	



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL BLANKET OBJECTION	O'Quinn, Shari Allen 10/21/2019			Plaintiff objects to all of the testimony of Ms. O'Quinn regarding 510(k) process/application, FDA regulations/communication, and SIR guidelines. Testimony regarding the 510(k), FDA regulations, and SIR are not relevant and Plaintiff incorporates her arguments. In addition to her Motion in Limine/Motion to Exclude, Plaintiff makes the following specific objections and designations.	This issue was addressed by the Court and Plaintiff's motion in limine were denied.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	10:23-13:17			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	14:01-16:06			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	16:10-17:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	17:12-17:14			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	18:01-18:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	18:14-20:04			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	20:07-20:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	20:13-20:21			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	21:07-21:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	21:12-21:20			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	21:23-22:07			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	22:10-22:14			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	22:16-22:20			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	22:23-23:13			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	23:16-23:20			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	23:22-24:06			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	24:09-25:01			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	25:04-25:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	25:14-25:25			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	26:03-26:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	26:14-26:21			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	26:23-27:06	Overrule	Objection Speculation and lack of foundation. The foundation for the witness to testify as to what the FDA was aware has not been established. Accordingly, the answer is speculative as to what the FDA knew or was aware of.	(27:02 – 27:06) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is familiar with the materials she is being questioned about and has personal knowledge of the matters therein and what the FDA understood based on those documents. The witness is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	27:08-27:21			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	27:23-28:15			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	28:18-29:07			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	29:10-29:15			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	29:17-30:08			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	30:12-30:16			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	30:18-31:23	Overrule	Lack of foundation and is speculative. The foundation for this witness to testify to such matter has not been established. There is no evidence the witness has personal knowledge regarding what is component of 510k submissions to the FDA and FDA requirements for clinical testing. Accordingly, the testimony is purely speculative.	(31:20 - 31:23) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is familiar with the materials she is being questioned about and has personal knowledge of the matters therein and what the FDA process is relative to the steps involved in a 510k submission. The witness is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	32:01-32:11	Overrule	Lack of foundation and is speculative. The foundation for this witness to testify to such matter has not been established. There is no evidence the witness has personal knowledge regarding what is component of 510k submissions to the FDA and FDA requirements for clinical testing. Accordingly, the testimony is purely speculative.	(32:10 - 32:11) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is familiar with the materials she is being questioned about and has personal knowledge of the matters therein and what the FDA process is relative to the steps involved in a 510k submission. The witness is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	32:13-32:19			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	32:21-32:25	Sustain	Lack of foundation and is speculative. The foundation for this witness to testify to such matter has not been established. There is no evidence the witness has personal knowledge regarding what the FDA's requirements were for 510k submissions in general. Further, the witness speculates as to what the FDA would have done. Accordingly, the testimony is purely speculative.	(32:22 - 32:25) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is familiar with the materials she is being questioned about and has personal knowledge of the matters therein and what the FDA process is relative to the steps involved in a 510k submission. The witness is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	33:02-35:03			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	35:06-35:21			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	35:24-36:04	Overrule	Lack of foundation. The foundation for this witness to testify about the document or the contents has not been established. The witness is not the author of the document and her knowledge of the information contained in the document has not been established.	(36:02 - 36:04) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is familiar with the materials she is being questioned about and has personal knowledge of the matters therein. She is explaining to the jury what the 510k document includes.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	36:07-36:13	Overrule	Lack of foundation. The foundation for this witness to testify about the document or the contents has not been established. The witness is not the author of the document and her knowledge of the information contained in the document has not been established.	(36:11 - 36:13) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is familiar with the materials she is being questioned about and has personal knowledge of the matters therein. She is explaining to the jury what the 510k document includes.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	36:16-36:19			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	36:21-37:14			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	37:16-37:21			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	37:24-38:06			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	38:09-38:17	Overrule	Lack of foundation. The foundation for this witness to testify to such matter has not been established.	(38:14 - 38:17) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is being asked about the Asch study on Recovery filters, a study with which she is familiar and which was included with the materials sent to the FDA for the 510k on the Recovery filter. She has personal knowledge of the materials she is being asked to explain. The witness is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	38:20-39:01	Overrule	Lack of foundation. The foundation for this witness to testify regarding the Ash study or the results has not been established.	(38:24 - 39:01) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is being asked about the Asch study on Recovery filters, a study with which she is familiar and which was included with the materials sent to the FDA for the 510k on the Recovery filter. She has personal knowledge of the materials she is being asked to explain. The witness is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	39:03-39:06			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	39:09-40:01	Override	Lack of foundation. The foundation for this witness to testify regarding the Asch study or the results has not been established.	(39:24 – 40:01) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is being asked about the Asch study on Recovery filters, a study with which she is familiar and which was included with the materials sent to the FDA for the 510k on the Recovery filter. She has personal knowledge of the materials she is being asked to explain. The witness is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	40:04-40:10			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	40:13-40:18			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	40:20-40:22	Override	Lack of foundation. The foundation for this witness to testify regarding the Asch study or the results has not been established. There is no testimony establishing the witness has personal knowledge of the details provided to the FDA regarding the Asch study.	(40:21 - 40:22) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is being asked about the Asch study on Recovery filters, a study with which she is familiar and which was included with the materials sent to the FDA for the 510k on the Recovery filter. She has personal knowledge of the materials she is being asked to explain. The witness is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	44:09-44:22			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	44:24-45:08			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	45:13-45:21			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	45:24-46:03			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	46:05-46:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	46:12-47:03			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	47:05-48:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	48:14-48:19			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	49:01			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	50:24 (ends at "O'Quinn")			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	50:25-51:08 ("we were looking")			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	51:11-51:19			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	51:21			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	52:03-52:05	Override	Lack of foundation. The foundation for this witness to testify about the document or the contents has not been established. The witness is not the author of the document and her knowledge of the information contained in the document has not been established.	(52:03 - 52:05) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is being asked about Bard testing on Recovery filters, with which she is familiar and which were included with the materials sent to the FDA for the 510k on the Recovery filter. She has personal knowledge of the materials she is being asked to explain.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	52:07-52:10	Override	Lack of foundation. The foundation for this witness to testify about the document or the contents has not been established. The witness is not the author of the document and her knowledge of the information contained in the document has not been established.	(52:08 – 52:10) The witness has training and experience with FDA regulations and processes and while at Bard worked in the regulatory department and as a contact for Bard with the FDA on IVC filter issues. The witness is being asked about Bard testing on Recovery filters, with which she is familiar and which were included with the materials sent to the FDA for the 510k on the Recovery filter. She has personal knowledge of the materials she is being asked to explain.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	52:13-52:15			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	52:17			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	53:15-53:24			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	54:01-54:04			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	54:06-54:24			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	55:01			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	55:11-55:13			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	55:16-56:06			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	56:08-56:15			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	56:18-57:01			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	57:04-57:12			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	57:14-57:19			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	57:22			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	63:19			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	63:22-64:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	64:15-65:05			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	69:21-70:18			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	70:21-70:23			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	71:02-71:04			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	71:07-71:10			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	71:12-71:19			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	71:22-71:24			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	78:20-78:24			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	79:02-79:03			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	99:12-99:21			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	99:24-100:03			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	100:06-100:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	100:12			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	("recall")			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	100:15-100:19			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	100:22-101:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	101:20-101:23			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	102:12-102:17	Override	Lack of foundation. The foundation for this witness to testify to such matter has not been established. The witness is not qualified to opine on the therapeutic benefits to a patient. The witness is not qualified to give the opinions offered and is therefore improper expert opinion testimony.	(102:03 – 102:09) The witness is very knowledgeable about the indications for use, the testing and warnings Bard provided for the Recovery filter. She is familiar with Bard records on the performance of the Recovery filter. Her testimony is given based on her own personal knowledge.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	102:19	Override	Lack of foundation. The foundation for this witness to testify to such matter has not been established. The witness is not qualified to opine on the therapeutic benefits to a patient. The witness is not qualified to give the opinions offered and is therefore improper expert opinion testimony.	Plaintiff's objection is non-sensical. Plaintiff is objecting to a one-line answer by the witness "Yes, absolutely."
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	103:04-103:20			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	103:22-104:03			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	104:14-104:16	Override	Lack of foundation. The foundation for this witness to testify about the document or the contents has not been established. The witness is not the author of the document and her knowledge of the information contained in the document has not been established.	There is no basis for the objection - there is no testimony that indicates that the witness lacks personal knowledge. See, 104:20-24
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	104:19-105:14			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	105:17-106:04			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	106:07-106:10			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	106:13-107:06			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	107:09-107:13			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	107:15-107:24			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	108:02-108:03			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	108:05-108:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	108:13-109:04			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	109:07-109:10			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	109:13-109:17			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	109:20			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	110:12-110:22	Override	Lack of foundation. The foundation for this witness to testify about the document or the contents has not been established. The witness is not the author of the document and her knowledge of the information contained in the document has not been established.	There is no basis for the objection - there is no testimony that indicates that the witness lacks personal knowledge. See, 104:20-24
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	110:25-111:04			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	111:08-111:25			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	112:03-112:17			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	112:20-113:10			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	113:12-113:25			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	115:01-115:12			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	115:15-115:25			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	116:01-116:20			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	116:23-117:01			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	117:03-118:07			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	118:10-118:15			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	118:18-120:02			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	120:05-120:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	120:11-120:13			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	120:16-120:21			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	120:24-121:01			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	121:03-121:16			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	121:19-122:03			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	122:05-122:08			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	122:11-123:03			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	124:21-125:08	Override	Lack of foundation. The foundation for this witness to testify regarding the Everest study or the results has not been established. There is no testimony establishing the witness has personal knowledge of the Everest study or the FDA's requests.	(124:16 – 124:20) The witness is testifying to information from doctors that she was privy to in her role in the regulatory department at Bard. She has personal knowledge of the facts she is testifying about. The testimony is not hearsay

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	125:11-125:15	Override	Lack of foundation. The foundation for this witness to testify regarding the Asch study or the results has not been established. There is no testimony establishing the witness has personal knowledge of the Everest study or the FDA's requests.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is hearsay.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	125:23-126:04	Override	Lack of foundation. The foundation for this witness to testify regarding the Asch study or the results has not been established. There is no testimony establishing the witness has personal knowledge of the Everest study or the FDA's requests.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is hearsay.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	126:07-126:13	Override	Lack of foundation. The foundation for this witness to testify regarding FDA device clearance has not been established. There is no testimony establishing the witness has personal knowledge of what is normal in regards to FDA 510k clearance.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is hearsay.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	126:16-127:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	127:13-128:09	Override	Lack of Foundation. The foundation for this witness to be a custodian of record for Bard or the document at issue has not been established.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is hearsay.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	128:12-128:21	Sustain	Lack of foundation. The foundation for this witness to testify regarding FDA device clearance has not been established. There is no testimony establishing the witness has personal knowledge of what is normal in regards to FDA 510k clearance.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is hearsay.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	128:24-129:07			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	129:10-129:13			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	129:15-129:24			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	130:02-130:13	Override	Lack of foundation. The foundation for this witness to testify regarding the Everest study or the results has not been established. There is no testimony establishing the witness has personal knowledge of the Everest study.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is speculative. The question is not leading.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	130:17	Override	Lack of foundation. The foundation for this witness to testify regarding the Everest study or the results has not been established. There is no testimony establishing the witness has personal knowledge of the Everest study.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is speculative. The question is not leading.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	130:19-130:20	Override	Lack of foundation. The foundation for this witness to testify regarding the Everest study or the results has not been established. There is no testimony establishing the witness has personal knowledge of the Everest study.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is speculative. The question is not leading.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	131:02-131:06	Override	Lack of foundation. The foundation for this witness to testify regarding the Everest study or the results has not been established. There is no testimony establishing the witness has personal knowledge of the Everest study or what it was designed to do.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is speculative. The question is not leading.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	131:09-131:20	Override	Lack of foundation. The foundation for this witness to testify regarding the Everest study or the results has not been established. There is no testimony establishing the witness has personal knowledge of the Everest study or what it was designed to do.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is speculative. The question is not leading.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	131:22-132:05	Override	Lack of foundation. The foundation for this witness to testify regarding the document or the FDA's state of mind has not been established. There is no testimony establishing the witness has personal knowledge of the document and calls for the witness to speculate.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is speculative. The question is not leading.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	132:08-132:12			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	132:14-132:17	Override	Lack of Foundation. The foundation for this witness to be a custodian of record for Bard or the document at issue has not been established.	The witness is testifying from her own personal experience, is not speculating, and there is nothing about this testimony that is speculative.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	132:19-133:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	133:12-133:16			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	133:19-133:22			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	133:25-134:08			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	134:11-134:17			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	134:20-135:05			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	135:08-135:10			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	135:12-135:18			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	135:21-135:23	Override	Lack of foundation. The foundation for this witness to testify regarding complications of the recovery filter has not been established. There is no testimony establishing the witness has personal knowledge and calls for the witness to speculate.	(135:22 – 136:08) The witness is testifying to types of complications in Bard IVC filters about which she is knowledgeable because of her role in the regulatory department at Bard. She has personal knowledge of the facts she is testifying about.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	135:25-136:03	Override	Lack of foundation. The foundation for this witness to testify regarding complications of the recovery filter has not been established. There is no testimony establishing the witness has personal knowledge and calls for the witness to speculate. The witness has not been established as an expert and the medical opinions given are improper.	(135:22 – 136:08) The witness is testifying to types of complications in Bard IVC filters about which she is knowledgeable because of her role in the regulatory department at Bard. She has personal knowledge of the facts she is testifying about.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	136:05-136:13	Override	Lack of foundation. The foundation for this witness to testify regarding complications of the recovery filter has not been established. There is no testimony establishing the witness has personal knowledge and calls for the witness to speculate. The witness has not been established as an expert and the medical opinions given are improper.	(135:22 – 136:08) The witness is testifying to types of complications in Bard IVC filters about which she is knowledgeable because of her role in the regulatory department at Bard. She has personal knowledge of the facts she is testifying about.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	136:16-137:02			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	137:05-137:12			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	137:14-137:17			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	137:20-138:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	138:12-138:19	Override	Asks a hypothetical. The witness's testimony is speculative as to what would have occurred if the document was received. Accordingly, the testimony is not relevant as it lack probative value.	(135:22 – 136:08) This is an answer, not a question, but the question asks about Bard business practices.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	138:22-139:05			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	139:08-139:17			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	139:20-139:22			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	139:24-140:07			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	140:10-140:23			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	141:01-141:06			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	141:08-141:10			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	141:13-141:23			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	142:01-142:04			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	142:07-143:03			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	143:06-144:08			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	144:11-144:24	Override	Lack of Foundation. The foundation for this witness has not been established. The witness has no personal knowledge of the document or the information contained therein.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating. She has not mischaracterized the document.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	145:02-146:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	146:12-146:15			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	146:17-147:05			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	147:08-147:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	147:19-150:08			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	150:11-150:14	Override	Lack of Foundation. The foundation for this witness has not been established. The witness has no personal knowledge of the document or the information contained therein.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	150:16-151:25	Override	Lack of Foundation. The foundation for this witness has not been established. The witness has no personal knowledge of the document or the information contained therein.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	152:03-152:08			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	152:11-152:19	Override	Lack of foundation; The foundation for this witness to testify regarding the quantity distributed has not been established.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	152:22-153:04	Override	Lack of foundation; The foundation for this witness to testify regarding the complaint history of the G2.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	153:07-153:11			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	153:13-154:05			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	154:07-154:09			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	154:11-154:13			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	154:15-154:18	Override	Calls for speculation; The question asks a hypothetical about the mind set of another person. The witness is not qualified to give such testimony as it is simply speculative. Because the testimony is speculative, it has no probative value.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	154:21-155:17	Override	Calls for speculation; The question asks a hypothetical about the mind set of another person. The witness is not qualified to give such testimony as it is simply speculative. Because the testimony is speculative, it has no probative value.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	155:19-156:15			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	156:18-156:24	Override	Lack of foundation. The foundation for this witness to testify regarding the document and the board meeting has not been established. There is no testimony establishing the witness has personal knowledge and therefore calls for the witness to speculate as to what and with whom was discussed.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	157:02-157:21	Override	Lack of foundation. The foundation for this witness to testify regarding all adverse events of the G2. There is no testimony establishing the witness has personal knowledge and therefore calls for the witness to speculate.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	157:24-158:02	Override	Lack of foundation. The foundation for this witness to testify regarding the risk and benefits of the G2 filter. There is no testimony establishing the witness has personal knowledge and therefore calls for the witness to speculate.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	158:04-158:08	Override	Lack of foundation. The foundation for this witness to testify regarding the risk and benefits of the G2 filter. There is no testimony establishing the witness has personal knowledge and therefore calls for the witness to speculate.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	158:10-158:18	Sustain	Lack of foundation. The foundation for this witness to testify regarding difference in the G2 over the recovery. There is no testimony establishing the witness has personal knowledge and therefore calls for the witness to speculate.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	158:20-158:23	Override	Lack of foundation. The foundation for this witness to testify to such matter has not been established. The witness is not qualified to opine on the therapeutic benefits to a patient. The witness is not qualified to give the opinions offered and is therefore improper expert opinion testimony.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	158:25-159:05	Override	Lack of foundation. The foundation for this witness to testify to such matter has not been established. The witness is not qualified to opine on the therapeutic benefits to a patient. The witness is not qualified to give the opinions offered and is therefore improper expert opinion testimony.	The witness is testifying about facts of which she is knowledgeable due to her experience and role in the regulatory department at Bard. She has personal knowledge of these facts and is not speculating.
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	159:07-159:10			
DEF AFFIRM	O'Quinn, Shari Allen 10/21/2019	159:12			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	160:02-160:06			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	161:17-161:25			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	162:01-162:10			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	162:12-162:25			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	163:01-163:25			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	164:01-164:08			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	164:10-164:25			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	165:01-165:25			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	166:01-166:13			
DEF COUNTER TO COUNTER	O'Quinn, Shari Allen 10/21/2019	166:14-166:18			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	169:18-169:25			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	170:01-170:05			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	170:11-170:25			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	171:01-171:13			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	182:25			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	183:01-183:25			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	186:23-186:25			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	187:01-187:11			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	187:13-187:25	Sustain	This violates the Court's ruling on Recovery migration deaths. The Miami death is a Recovery migration death. The testimony from 132 - 140 does not open the door to death and the testimony can be offered in context without that testimony. If the testimony is allowed, 187: 16-25 should be redacted. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403.	Testimony offered by Bard from 132:08 to 143:02 opens the door to testimony regarding all forms of migration and consequences of migration including cephalad migration and death. The offered testimony from Bard seeks to imply the FDA approved their handling of the issues which is not an accurate depiction of the events.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	188:01-188:25			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	189:01-189:16	Sustain	This violates the Court's ruling on Recovery migration deaths. The Miami death is a Recovery migration death. The testimony from 132 - 140 does not open the door to death and the testimony can be offered in context without that testimony. If the testimony is allowed, 189:8-16 should be redacted. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403.	Testimony offered by Bard from 132:08 to 143:02 opens the door to testimony regarding all forms of migration and consequences of migration including cephalad migration and death. The offered testimony from Bard seeks to imply the FDA approved their handling of the issues which is not an accurate depiction of the events.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	190:03-190:25	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	191:01-191:25	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	192:01-192:09	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	192:14-192:22	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	193:02-193:14	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	194:16-194:25	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2X and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	195:01-195:04 (thru No.)	Sustain	This designations violates the Court's ruling on Recovery migration deaths. If the testimony is allowed, "with the reports of 10 deaths and" at 195:1 should be redacted. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect.	Testimony involves the Recovery, which is the predicate filter to the G2. The G2, the G2x, and the Eclipse are the same filter with the exception of a removal hook on the G2x and electropolishing on the Eclipse. Testimony is relevant to whether the filter filter had a defective design and as to consumer expectation, which are at issue. The G2/G2X/Eclipse and the Recovery filter suffered similar rates of various failures and discussing the failures of the Recovery is directly related to the G2/G2X/Eclipse. Any prejudice is not unfair.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	210:05-210:25	Sustain	This violates the Court's ruling on Recovery migration deaths. The testimony from 132 - 140 does relate to this document and does not open the door to death and the testimony can be offered in context without that testimony. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403.	Testimony offered by Bard from 132:08 to 143:02 opens the door to testimony regarding all forms of migration and consequences of migration including cephalad migration and death. The offered testimony from Bard seeks to imply the FDA approved their handling of the issues which is not an accurate depiction of the events. The testimony was offered by this witness as the former director of regulatory and clinical affairs for Bard from 2003 to 2007 to imply Bard is transparent with the FDA re: the migration issues related to the retrievable filter design. It is highly relevant, and probative of Bard's conduct with regard to the design of the future devices including the Eclipse and warnings it gave regarding it retrievable filters that Bard did not share information regarding the recovery deaths with the witness.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	211:01-211:11	Sustain	This violates the Court's ruling on Recovery migration deaths. The testimony from 132 - 140 does relate to this document and does not open the door to death and the testimony can be offered in context without that testimony. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 outweighed by prejudicial effect. Rules 702/703. Opinion is in admissible because there is no proper foundation.	Testimony offered by Bard from 132:08 to 143:02 opens the door to testimony regarding all forms of migration and consequences of migration including cephalad migration and death. The offered testimony from Bard seeks to imply the FDA approved their handling of the issues which is not an accurate depiction of the events. The testimony was offered by this witness as the former director of regulatory and clinical affairs for Bard from 2003 to 2007 to imply Bard is transparent with the FDA re: the migration issues related to the retrievable filter design. It is highly relevant, and probative of Bard's conduct with regard to the design of the future devices including the Eclipse and warnings it gave regarding it retrievable filters that Bard did not share information regarding the recovery deaths with the witness.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	211:13-211:17	Sustain	This violates the Court's ruling on Recovery migration deaths. The testimony from 132 - 140 does relate to this document and does not open the door to death and the testimony can be offered in context without that testimony. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 702/703. Opinion is in admissible because there is no proper foundation.	Testimony offered by Bard from 132:08 to 143:02 opens the door to testimony regarding all forms of migration and consequences of migration including cephalad migration and death. The offered testimony from Bard seeks to imply the FDA approved their handling of the issues which is not an accurate depiction of the events. The testimony was offered by this witness as the former director of regulatory and clinical affairs for Bard from 2003 to 2007 to imply Bard is transparent with the FDA re: the migration issues related to the retrievable filter design. It is highly relevant, and probative of Bard's conduct with regard to the design of the future devices including the Eclipse and warnings it gave regarding it retrievable filters that Bard did not share information regarding the recovery deaths with the witness.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	211:19-211:20	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 702/703. Opinion is inadmissible because there is no proper foundation.	Testimony offered by Bard from 132:08 to 143:02 opens the door to testimony regarding all forms of migration and consequences of migration including cephalad migration and death. The offered testimony from Bard seeks to imply the FDA approved their handling of the issues which is not an accurate depiction of the events. The testimony was offered by this witness as the former director of regulatory and clinical affairs for Bard from 2003 to 2007 to imply Bard is transparent with the FDA re: the migration issues related to the retrievable filter design. It is highly relevant, and probative of Bard's conduct with regard to the design of the future devices e-including the Eclipse and warnings it gave regarding it retrievable filters that Bard did not share information regarding the recovery deaths with the witness.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	211:22-211:25	Sustain	This violates the Court's ruling on Recovery migration deaths. The testimony from 132 - 140 does relate to this document and does not open the door to death and the testimony can be offered in context without that testimony. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony offered by Bard from 132:08 to 143:02 opens the door to testimony regarding all forms of migration and consequences of migration including cephalad migration and death. The offered testimony from Bard seeks to imply the FDA approved their handling of the issues which is not an accurate depiction of the events. The testimony was offered by this witness as the former director of regulatory and clinical affairs for Bard from 2003 to 2007 to imply Bard is transparent with the FDA re: the migration issues related to the retrievable filter design. It is highly relevant, and probative of Bard's conduct with regard to the design of the future devices e-including the Eclipse and warnings it gave regarding it retrievable filters that Bard did not share information regarding the recovery deaths with the witness.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	212:01-212:07			
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	212:12-212:14	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 702/703. Opinion is inadmissible because there is no proper foundation.	Testimony offered by Bard from 132:08 to 143:02 opens the door to testimony regarding all forms of migration and consequences of migration including cephalad migration and death. The offered testimony from Bard seeks to imply the FDA approved their handling of the issues which is not an accurate depiction of the events. The testimony was offered by this witness as the former director of regulatory and clinical affairs for Bard from 2003 to 2007 to imply Bard is transparent with the FDA re: the migration issues related to the retrievable filter design. It is highly relevant, and probative of Bard's conduct with regard to the design of the future devices e-including the Eclipse and warnings it gave regarding it retrievable filters that Bard did not share information regarding the recovery deaths with the witness. Bard has offered testimony from the witness regarding its DFMEA analysis, 136:16-137:20.
PL COUNTER	O'Quinn, Shari Allen 10/21/2019	213:01-213:08			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	9:07-9:10			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	14:01-14:13			
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	18:10-20:08	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	75:09-77:03			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	77:13-77:14			
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	77:15-78:12	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	78:13-79:05			
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	79:06-79:16	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	79:17-79:24			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	80:02-80:04			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	80:08-80:13			
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	89:13-89:15	Overrule	FRE 602; calls for speculation. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	89:17-89:22	Overrule	FRE 602; calls for speculation. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	89:24-90:04	Sustain	Rule 804-Hearsay-the question relates to medical article marked as exhibit on page 83. Also 602-witness does not have knowledge. See 89:13-15 and 17-22	The witness has established the necessary knowledge to discuss this article.
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	98:03-98:08			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	115:01-115:09			
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	115:10-115:12	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	115:13-115:18			
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	115:19-116:01	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	116:02-117:14			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	117:16-117:21			
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	117:22-118:05	Overrule	Non-responsive. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	122:23-123:04	Overrule	Rule 401, 402 and 403 and 804- the document discusses a medical article about another filter.	
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	128:08-128:25	Overrule	FRE 402, 403, 602. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	129:02-129:03	Overrule	FRE 602; FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	129:14-130:07	Overrule	Rule 401, 402 and 403 and 804- the document discusses a medical article about another filter. Further it calls for hearsay because the questioner is reading from a medical article and offering the infoamtion for the truth of the matter asserted.	The testimony of the witness reveals his first-hand knowledge of the subject matter of inquiry. His testimony is relevant to the Eclipse and all prior G2 designs as they are nearly identicle in design and failure.
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	131:23-132:11			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	160:04-160:06			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	161:22-161:23			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	162:02-162:11			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	162:16-163:03			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	167:11-168:02			
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	168:09-168:12	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	169:16-170:03	Overrule	Hearsay/FRE 602. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation	
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	174:16-176:12	Overrule	Non-responsive. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation	
DEF COUNTER	Raji-Kubba, Abithal 07/18/2016	178:02-178:10	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	204:12-204:21			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	204:25-205:19			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	205:21-206:04			
PL AFFIRM	Raji-Kubba, Abithal 07/18/2016	227:20-227:23 Beginning with "Was"			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Randall, Mike 01/18/2017	23:16-23:24			
PL AFFIRM	Randall, Mike 01/18/2017	24:02-24:05			
PL AFFIRM	Randall, Mike 01/18/2017	24:08-24:11			
PL AFFIRM	Randall, Mike 01/18/2017	71:17-71:18 Start at "and it"	Overrule	Vague and ambiguous-testimony is about a subsequent remdial measure . Rule 407	Testimony helps to establish that the G2, G2X, Eclipse, Meridian are all the same filter with minor changes. Remdial measures are not discussed
PL AFFIRM	Randall, Mike 01/18/2017	72:03-72:11	Overrule	Vague and ambiguous-testimony is about a subsequent remdial measure . Rule 407	Testimony helps to establish that the G2, G2X, Eclipse, Meridian are all the same filter with minor changes. Remdial measures are not discussed
PL AFFIRM	Randall, Mike 01/18/2017	126:25-127:06	Overrule	Vague and ambiguous-testimony is about a subsequent remdial measure . Rule 407. Counsel is reading from an exhibit that is not in evidence	Testimony speaks to the limitations of Bard's premarket testing.
PL AFFIRM	Randall, Mike 01/18/2017	128:14-128:17			
PL AFFIRM	Randall, Mike 01/18/2017	129:01-129:04			
DEF COUNTER	Randall, Mike 01/18/2017	129:05-129:08			
PL AFFIRM	Randall, Mike 01/18/2017	129:05-129:10			
DEF COUNTER	Randall, Mike 01/18/2017	129:23-130:17	Sustain	Expert testimony by a lay witness. Mr. Randall admits in the designation that he is not an expert in endurance testing or limits.	
PL AFFIRM	Randall, Mike 01/18/2017	130:18-130:24			
DEF COUNTER	Randall, Mike 01/18/2017	131:05-132:09	Overrule	Expert testimony by a lay witness. Mr. Randall admits in the designation that he is not an expert in endurance testing or limits.	
PL AFFIRM	Randall, Mike 01/18/2017	145:23-146:06			
PL AFFIRM	Randall, Mike 01/18/2017	182:20-182:23			
PL AFFIRM	Randall, Mike 01/18/2017	183:07-183:12			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Randall, Mike 02/02/2017	07:04-07:08			
PL AFFIRM	Randall, Mike 02/02/2017	07:12-07:17			
DEF COUNTER	Randall, Mike 02/02/2017	7:25-9:25	Sustain as to 7:25 and 8:1-8:24	7:25 - Answer without a question. 8:1-8:24 - relevance. This instruction is not appropriate for trial.	
PL AFFIRM	Randall, Mike 02/02/2017	10:01-10:13			
PL AFFIRM	Randall, Mike 02/02/2017	11:04-11:10			
PL AFFIRM	Randall, Mike 02/02/2017	12:03-12:07			
PL AFFIRM	Randall, Mike 02/02/2017	begin at Are there 25:03-25:20			
DEF COUNTER	Randall, Mike 02/02/2017	25:21-26:08			
PL AFFIRM	Randall, Mike 02/02/2017	45:11-45:15			
PL AFFIRM	Randall, Mike 02/02/2017	47:24-48:06			
PL AFFIRM	Randall, Mike 02/02/2017	48:08-48:10			
PL AFFIRM	Randall, Mike 02/02/2017	72:21-72:22			
PL AFFIRM	Randall, Mike 02/02/2017	72:24-73:13			
DEF COUNTER	Randall, Mike 02/02/2017	73:14-74:04			
PL AFFIRM	Randall, Mike 02/02/2017	86:13-86:20			
PL AFFIRM	Randall, Mike 02/02/2017	begin at Would you 88:06-88:14			
DEF COUNTER	Randall, Mike 02/02/2017	begin at would 87:01-87:02			
DEF COUNTER	Randall, Mike 02/02/2017	87:04-87:06			
DEF COUNTER	Randall, Mike 02/02/2017	87:11-88:02			
PL AFFIRM	Randall, Mike 02/02/2017	88:20-88:24			
PL AFFIRM	Randall, Mike 02/02/2017	89:01-89:05			
PL AFFIRM	Randall, Mike 02/02/2017	89:09-89:16			
PL AFFIRM	Randall, Mike 02/02/2017	93:16-93:19 begin at One of the			
PL AFFIRM	Randall, Mike 02/02/2017	94:15-94:17	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. There is no evidence of migration to the heart in this case	Migration is at issue in this case as Mr. Peterson's filter migrated. The line of questions is about all filters that Bard has developed, manufactured and sold. See 92:3-9:28. The references are not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108.10)
PL AFFIRM	Randall, Mike 02/02/2017	94:19-94:25			
PL AFFIRM	Randall, Mike 02/02/2017	95:20-95:24			
PL AFFIRM	Randall, Mike 02/02/2017	95:25-96:02			
PL AFFIRM	Randall, Mike 02/02/2017	begin at Would you 96:04-96:05			
PL AFFIRM	Randall, Mike 02/02/2017	99:11-99:13			
PL AFFIRM	Randall, Mike 02/02/2017	99:20-100 06			
PL AFFIRM	Randall, Mike 02/02/2017	103:01-103:06	Overrule	Rule 401, 402 and 403. Rules 801/802 hearsay	Plaintiff's Expert has opined that Mr. Peterson's filter had migrated from the 2.2 cm and the testimony is therefore relevant. The document also shows that Bard artificially deflated their complication numbers. The document is a public record 803(8).



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Randall, Mike 02/02/2017	105:06-105:12	Overrule	Rule 401, 402 and 403. Rules 801/802 hearsay	Plaintiff's Expert has opined that Mr. Peterson's filter had migrated from the 2.2 cm and the testimony is therefore relevant. The document also shows that Bard artificially deflated their complication numbers. The document is a public record 803181.
PL AFFIRM	Randall, Mike 02/02/2017	105:14-105:18	Overrule	Rule 401, 402 and 403. Rules 801/802 hearsay	Plaintiff's Expert has opined that Mr. Peterson's filter had migrated from the 2.2 cm and the testimony is therefore relevant. The document also shows that Bard artificially deflated their complication numbers. The document is a public record 803181.
PL AFFIRM	Randall, Mike 02/02/2017	112:15-112:19 begin at So the	Overrule	Rule 401, 402 and 403. Rules 801/802 hearsay	Plaintiff's Expert has opined that Mr. Peterson's filter had migrated from the 2.2 cm and the testimony is therefore relevant. The document also shows that Bard artificially deflated their complication numbers. The document is a public record 803181.
PL AFFIRM	Randall, Mike 02/02/2017	114:23-115:10	Overrule	Rule 401, 402 and 403. Rules 801/802 hearsay	Plaintiff's Expert has opined that Mr. Peterson's filter had migrated from the 2.2 cm and the testimony is therefore relevant. The document also shows that Bard artificially deflated their complication numbers. The document is a public record 803181.
PL AFFIRM	Randall, Mike 02/02/2017	115:15-115:22 begin at I've	Overrule	Rule 401, 402 and 403. Rules 801/802 hearsay	Plaintiff's Expert has opined that Mr. Peterson's filter had migrated from the 2.2 cm and the testimony is therefore relevant. The document also shows that Bard artificially deflated their complication numbers. The document is a public record 803181.
DEF COUNTER	Randall, Mike 02/02/2017	115:24-116:03 Subject to objection			
DEF COUNTER	Randall, Mike 02/02/2017	116:05-116:20 Subject to objection			
PL AFFIRM	Randall, Mike 02/02/2017	204:09-204:23 begin at Mr. Randall	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25.
DEF COUNTER	Randall, Mike 02/02/2017	205:02-205:03 Subject to objection	Overrule	Answer without a question	
PL AFFIRM	Randall, Mike 02/02/2017	205:15-205:25 begin at And what	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25.
PL AFFIRM	Randall, Mike 02/02/2017	206:13-206:23 begin at This idea	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25.
DEF COUNTER	Randall, Mike 02/02/2017	206:24-207:02 Subject to objection			
PL AFFIRM	Randall, Mike 02/02/2017	207:07-207:08	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25.
PL AFFIRM	Randall, Mike 02/02/2017	207:10-207:11	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25.
PL AFFIRM	Randall, Mike 02/02/2017	207:16-207:24	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25.
PL AFFIRM	Randall, Mike 02/02/2017	209:17-210:25 begin at the complications	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25.
PL AFFIRM	Randall, Mike 02/02/2017	211:17-212:07 begin at So you're	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25.
PL AFFIRM	Randall, Mike 02/02/2017	212:11-212:17	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25.
PL AFFIRM	Randall, Mike 02/02/2017	215:17-215:24 begin at But my point	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Randall, Mike 02/02/2017	216:02-216:04	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	216:06-216:10	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	217:03-217:08 begin at 50 at the time	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	219:11-219:24 begin at I want to	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	220:18-220:21	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	220:23-220:25	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	221:10-221:12	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
DEF COUNTER	Randall, Mike 02/02/2017	225:08-225:11 Subject to objection			
DEF COUNTER	Randall, Mike 02/02/2017	225:13-225:23 Subject to objection			
PL AFFIRM	Randall, Mike 02/02/2017	225:24-226:08 begin at But if it's	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
DEF COUNTER	Randall, Mike 02/02/2017	226:11-226:14 Subject to objection			
DEF COUNTER	Randall, Mike 02/02/2017	226:16-226:18 Subject to objection			
PL AFFIRM	Randall, Mike 02/02/2017	227:17-227:20 begin at and that is	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	227:22-227:24	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	228:07-228:25 begin at The next	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	229:02-229:03	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	230:23-231:15 begin at page	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	232:03-232:10 begin at The next paragraph	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	233:14-234:01 begin at It says	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Randall, Mike 02/02/2017	234:03-234:04	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	235:20-235:23	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	235:25-236:01	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	236:17-236:25	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	237:10-237:15			The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	240:05-240:14	Overrule		The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
DEF COUNTER	Randall, Mike 02/02/2017	241:15-241:17			
DEF COUNTER	Randall, Mike 02/02/2017	Subject to objection 241:19-242:05			
PL AFFIRM	Randall, Mike 02/02/2017	Subject to objection 242:12-242:25			
PL AFFIRM	Randall, Mike 02/02/2017	243 02			
DEF COUNTER	Randall, Mike 02/02/2017	243:19-244:01			
PL AFFIRM	Randall, Mike 02/02/2017	Subject to objection 244:15-244:25			
PL AFFIRM	Randall, Mike 02/02/2017	245:15-245:21			
PL AFFIRM	Randall, Mike 02/02/2017	246:09-246:20			
PL AFFIRM	Randall, Mike 02/02/2017	247:02-247:05			
PL AFFIRM	Randall, Mike 02/02/2017	247:17-247:21			
PL AFFIRM	Randall, Mike 02/02/2017	248:19-248:22			
PL AFFIRM	Randall, Mike 02/02/2017	begin at Penetration 249:23-251:01			
PL AFFIRM	Randall, Mike 02/02/2017	251:24-252:03			
PL AFFIRM	Randall, Mike 02/02/2017	252:05-252:13			
PL AFFIRM	Randall, Mike 02/02/2017	260:25-261:01			
PL AFFIRM	Randall, Mike 02/02/2017	261:03-261:10			
PL AFFIRM	Randall, Mike 02/02/2017	261:12-261:18			
PL AFFIRM	Randall, Mike 02/02/2017	261:20-261:22			
DEF COUNTER	Randall, Mike 02/02/2017	262:02-262:04			
DEF COUNTER	Randall, Mike 02/02/2017	Subject to objection 262:07-262:17			
DEF COUNTER	Randall, Mike 02/02/2017	Subject to objection 262:23-263:05			
PL AFFIRM	Randall, Mike 02/02/2017	Subject to objection 268:17-269:02			
PL AFFIRM	Randall, Mike 02/02/2017	begin at the bottom line 269:04-269:08			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Randall, Mike 02/02/2017	269:19-269:23	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	269:25-270:01	Overrule	Rule 601/602 and 612-there is no indication that the witness has personal knowledge of the document. See 205: 2-3	The testimony shows that Bard knew ways to improve their filter long before Ms. Peterson was implanted with his Eclipse filter. Also shows that Bard knew there was issue with their current line of filters. The witness explained exactly what this document was at 205:15-205:25
PL AFFIRM	Randall, Mike 02/02/2017	275:04-275:09			
PL AFFIRM	Randall, Mike 02/02/2017	275:15-275:19			
DEF COUNTER	Randall, Mike 02/02/2017	275:20-275:22	Sustain	Speculation, lack of foundation, hearsay	
DEF COUNTER	Randall, Mike 02/02/2017	275:24-276:19	Sustain	Speculation, lack of foundation, hearsay	
PL AFFIRM	Randall, Mike 02/02/2017	292:20-292:22			
PL AFFIRM	Randall, Mike 02/02/2017	293:07-293:12			
PL AFFIRM	Randall, Mike 02/02/2017	293:18-293:25 begin at I think			
PL AFFIRM	Randall, Mike 02/02/2017	294:13-295:03	Sustain	Rule 401, 402 and 403-Bard's revenue are not at issue. There is no claim for punitive damages	Testimony explains why Bard kept a defective product on the market when they knew it was defective and they knew how to address some of the defects.
PL AFFIRM	Randall, Mike 02/02/2017	296:05-296:17 begin at If Bard did	Sustain	Rule 401, 402 and 403-Bard's revenue are not at issue. There is no claim for punitive damages	Testimony explains why Bard kept a defective product on the market when they knew it was defective and they knew how to address some of the defects.
PL AFFIRM	Randall, Mike 02/02/2017	297:18-297:24	Sustain	Rule 401, 402 and 403-Bard's revenue are not at issue. There is no claim for punitive damages	Testimony explains why Bard kept a defective product on the market when they knew it was defective and they knew how to address some of the defects.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Randall, Mike 10/03/2018	2716:03-2721:22	Override	2716:14-2716:118- 403; 2717:13-2717:24 - Relevance; 2719:10-2720:12 - Lack of foundation. The foundation for this witness to testify to such matter has not been established. Mr. Randall is not a bio-medical engineer, he is not a medical doctor, he has offer no testimony regarding training or specialized knowledge in anatomy, physiology, hemodynamic, or fluid dynamics.	This is all information about the witness' work and education history and involment with IVC filters. The objection was not raised at the time of the testimony.
DEF AFFIRM	Randall, Mike 10/03/2018	2722:22-2723:08			
DEF AFFIRM	Randall, Mike 10/03/2018	2723:22-2724:12			
DEF AFFIRM	Randall, Mike 10/03/2018	2724:19-2725:19	Override	Lack of foundation. The foundation for this witness to testify to such matter has not been established. Mr. Randall is not a bio-medical engineer, he is not a medical doctor, he has offer no testimony regarding training or specialized knowledge in anatomy, physiology, hemodynamic, or fluid dynamics. Additionally, Mr. Randall has not demonstrated that he is qualified to opine on filters from other manufacturers. Not properly disclosed and Plaintiff did not have proper notice that this witness would discuss filters from other manufacturers.	The witness is explaining a document he used, understood and relied on during his work at Bard on IVC filters. The objection was not made at the time of the testimony. Plaintiff's counsel was present at the time of the testimony and conducted the cross examination. Plaintiff's counsel was present at the time of the testimony and conducted the cross examination.
DEF AFFIRM	Randall, Mike 10/03/2018	2726:13-2726:17 starting at "This is the G2 type and ending at "inverted cone."	Override	Mr. Randall has not demonstrated that he is qualified to opine of filter from other manufacturers. Not properly disclosed and Plaintiff did not have proper notice that this witness would discuss filters from other manufacturers.	He is simply explaining the shapes of filters that he has reviewed and examined during his career at Bard. Plaintiff's counsel was present at the time of the testimony and conducted the cross examination.
DEF AFFIRM	Randall, Mike 10/03/2018	2726:20-2727:14	Override	Lack of foundation. The foundation for this witness to testify to such matter has not been established. Mr. Randall is not a bio-medical engineer, he is not a medical doctor, he has offer no testimony regarding training or specialized knowledge in anatomy, physiology, hemodynamic, or fluid dynamics. Additionally, Mr. Randall has not demonstrated that he is qualified to opine on filters from other manufacturers. Not properly disclosed and Plaintiff did not have proper notice that this witness would discuss filters from other manufacturers.	Again, Mr. Randall is explaining information he knows, learned while working on IVC filters and used during the course of his employment. Plaintiff's counsel was present at the time of the testimony and conducted the cross examination. No objection was made at the time of the testimony.
DEF AFFIRM	Randall, Mike 10/03/2018	2727:16-2729:05	Override	Lack of foundation. The foundation for this witness to testify to such matter has not been established. Mr. Randall is not a bio-medical engineer, he is not a medical doctor, he has offer no testimony regarding training or specialized knowledge in anatomy, physiology, hemodynamic, or fluid dynamics. Additionally, Mr. Randall has not demonstrated that he is qualified to opine on filters from other manufacturers. Not properly disclosed and Plaintiff did not have proper notice that this witness would discuss filters from other manufacturers.	Again, Mr. Randall is explaining information he knows, learned while working on IVC filters and used during the course of his employment. Plaintiff's counsel was present at the time of the testimony and conducted the cross examination. No objection was made at the time of the testimony.
DEF AFFIRM	Randall, Mike 10/03/2018	2729:06-2929:19 starting with "could you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2729:20-2730:01 starting with "would you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2730:13-2731:12 starting with "based on the"			
DEF AFFIRM	Randall, Mike 10/03/2018	2731:15 starting with "can you turn"			
DEF AFFIRM	Randall, Mike 10/03/2018	2731:18-2732:07	Override	2731:21-2732:2 - Relevance	This is relevant the balancing test for design defect.
DEF AFFIRM	Randall, Mike 10/03/2018	2732:08-2732:11 starting with "are you aware"	Sustain	FRE 106 - adding "As of today, in October of 2018"	
DEF AFFIRM	Randall, Mike 10/03/2018	2732:12-2732:15 starting with "are you aware"	Sustain	FRE 106 - adding "As of today, in October of 2018"	
DEF AFFIRM	Randall, Mike 10/03/2018	2732:16-2732:18 starting with "are you aware"	Sustain	FRE 106 - adding "As of October 2018"	
DEF AFFIRM	Randall, Mike 10/03/2018	2832:19-2832:21 starting with "are you aware"			
DEF AFFIRM	Randall, Mike 10/03/2018	2733:05-2733:07			
DEF AFFIRM	Randall, Mike 10/03/2018	2733:25-2735:12	Override	2735:5-2735:12 - Relevance	Relevant to show the nature of the test, that the animals move and are not static. Movement impacts the activit of the inferior vena cava.
DEF AFFIRM	Randall, Mike 10/03/2018	2735:13-2736:02 starting with "would you"			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Randall, Mike 10/03/2018	2736:13 stopping at "page"			
DEF AFFIRM	Randall, Mike 10/03/2018	2736:15-2736:17 stopping at "page"			
DEF AFFIRM	Randall, Mike 10/03/2018	2736:18-2738 09			
DEF AFFIRM	Randall, Mike 10/03/2018	2738:10-2738:23 starting with "would"			
DEF AFFIRM	Randall, Mike 10/03/2018	2739:06			
DEF AFFIRM	Randall, Mike 10/03/2018	2739:09-2739:11			
DEF AFFIRM	Randall, Mike 10/03/2018	2739:12-2740 01 starting with "can you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2740:02-2741:11 starting with "could you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2741:12-2741:24 starting with "could you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2742:15-2742:17			
DEF AFFIRM	Randall, Mike 10/03/2018	2742:23-2743 01			
DEF AFFIRM	Randall, Mike 10/03/2018	2743:08-2744:16			
DEF AFFIRM	Randall, Mike 10/03/2018	2744:18-2746 06			
DEF AFFIRM	Randall, Mike 10/03/2018	2746:14-2747 05 starting with "could you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2747:10-2747:18			
DEF AFFIRM	Randall, Mike 10/03/2018	2747:19-2748 01 starting with "would you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2748:13-2753 01	Overrule	2748:20-2752: - Relevance. The two products discussed were never put on the market by Bard.	This is relevant the balancing test for design defect, and the ability to create an alternative design.
DEF AFFIRM	Randall, Mike 10/03/2018	2753:05-2753:06			
DEF AFFIRM	Randall, Mike 10/03/2018	2753:07-2753:24 starting with "would you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2754:05 starting with "could you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2754:11-2755:11			
DEF AFFIRM	Randall, Mike 10/03/2018	2755:12-2755:23 starting with "can we"			
DEF AFFIRM	Randall, Mike 10/03/2018	2756:02-2756:11			
DEF AFFIRM	Randall, Mike 10/03/2018	2756:13-2757 01 starting with "could you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2757:10-2758:13			
DEF AFFIRM	Randall, Mike 10/03/2018	2758:14-2759:05 starting with "Could we"			
DEF AFFIRM	Randall, Mike 10/03/2018	2759:07-2759:16 starting with "can you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2759:25-2760 02			
DEF AFFIRM	Randall, Mike 10/03/2018	2760:03-2760:17 starting with "could you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2760:18-2761 06 starting with "can you"			
DEF AFFIRM	Randall, Mike 10/03/2018	2761:14-2762:10 starting with "if we could"			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Randall, Mike 10/03/2018	2762:17-2766:02	Override	2766:3-3766:12 - Relevance. Testimony about another Plaintiff is confusing. The Meridian 510K submission date is not relevant to this case. 2766:17-2766:24 - Foundation. The foundation for this witness to testify to such matter has not been established. Mr. Randall is not a bio-medical engineer, he is not a medical doctor, he has offer no testimony regarding training or specialized knowledge in anatomy, physiology, hemodynamic, or fluid dynamics. 2766:25-2767:2- Relevance. Defendants are trying to suggest that they are a responsible company by abandoning projects after	
DEF AFFIRM	Randall, Mike 10/03/2018	2766:07-2767:02	Override	2766:3-3766:12 - Relevance. Testimony about another Plaintiff is confusing. The Meridian 510K submission date is not relevant to this case. 2766:17-2766:24 - Foundation. The foundation for this witness to testify to such matter has not been established. Mr. Randall is not a bio-medical engineer, he is not a medical doctor, he has offer no testimony regarding training or specialized knowledge in anatomy, physiology, hemodynamic, or fluid dynamics. 2766:25-2767:2- Relevance. Defendants are trying to suggest that they are a responsible company by abandoning projects after	
PL COUNTER	Randall, Mike 10/03/2018	2767:19-2768:07			
PL COUNTER	Randall, Mike 10/03/2018	2768:14-2769:18			
PL COUNTER	Randall, Mike 10/03/2018	Starting at "As you" 2769:24			
PL COUNTER	Randall, Mike 10/03/2018	Stopping at "2010" 2770:12-2770:15			
PL COUNTER	Randall, Mike 10/03/2018	Starting at "But as" 2770:21-2771:01			
PL COUNTER	Randall, Mike 10/03/2018	2771:06-2771:12			
PL COUNTER	Randall, Mike 10/03/2018	2771:18-2771:24			
PL COUNTER	Randall, Mike 10/03/2018	2772:09-2772:11			
PL COUNTER	Randall, Mike 10/03/2018	2772:21-2773:23			
PL COUNTER	Randall, Mike 10/03/2018	2774:15-2775:22			
PL COUNTER	Randall, Mike 10/03/2018	2775:25-2776:03			
DEF COUNTER TO COUNTER	Randall, Mike 10/03/2018	2776:04-2776:07			
PL COUNTER	Randall, Mike 10/03/2018	2776:08-2776:11			
PL COUNTER	Randall, Mike 10/03/2018	2779:03-2779:05			
DEF COUNTER TO COUNTER	Randall, Mike 10/03/2018	2779:06-2779:16			
PL COUNTER	Randall, Mike 10/03/2018	2781:06-2781:21			
PL COUNTER	Randall, Mike 10/03/2018	2781:25-2782:06			
PL COUNTER	Randall, Mike 10/03/2018	2782:16-2782:21	Sustain	Starting with an answer to a question that was not designated.	
PL COUNTER	Randall, Mike 10/03/2018	2783:02-2783:18			
PL COUNTER	Randall, Mike 10/03/2018	2784:02-2784:08			
PL COUNTER	Randall, Mike 10/03/2018	2784:15-2784:25			
PL COUNTER	Randall, Mike 10/03/2018	Starting at "We just" 2785:12-2786:25			
DEF COUNTER TO COUNTER	Randall, Mike 10/03/2018	2789:02-2789:07			
PL COUNTER	Randall, Mike 10/03/2018	2789:08-2789:19			
PL COUNTER	Randall, Mike 10/03/2018	2789:23-2790:17			
PL COUNTER	Randall, Mike 10/03/2018	2790:23-2791:10			

Randall 10.3.18

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER TO COUNTER	Randall, Mike 10/03/2018	2791:11-2791:13			
PL COUNTER	Randall, Mike 10/03/2018	2792:07-2792:10			
PL COUNTER	Randall, Mike 10/03/2018	2792:15-2792:19 Starting with "But Bard"			
DEF COUNTER TO COUNTER	Randall, Mike 10/03/2018	2793:07-2973:09			
DEF AFFIRM	Randall, Mike 10/03/2018	2793:23-2794 05			
DEF COUNTER TO COUNTER	Randall, Mike 10/03/2018	2797:13-2798:15			



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Rogers, Frederick 07/18/2017	6:03-6:04			
PL AFFIRM	Rogers, Frederick 07/18/2017	46:06-46:09			
PL AFFIRM	Rogers, Frederick 07/18/2017	46:23-47:04	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve a situation where a filter was placed as a result of a trauma-related injury.	Foundation testimony
PL AFFIRM	Rogers, Frederick 07/18/2017	60:22-60:25			
PL AFFIRM	Rogers, Frederick 07/18/2017	61:08-61:25			
PL AFFIRM	Rogers, Frederick 07/18/2017	101:17-101:23	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
PL AFFIRM	Rogers, Frederick 07/18/2017	101:25	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
DEF COUNTER	Rogers, Frederick 07/18/2017	102:02-102:07			
DEF COUNTER	Rogers, Frederick 07/18/2017	102:09-102:12			
PL AFFIRM	Rogers, Frederick 07/18/2017	106:10-106:14	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Foundation testimony. The witness is designated as a non-retained expert.
PL AFFIRM	Rogers, Frederick 07/18/2017	106:18-106:23	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Foundation testimony. The witness is designated as a non-retained expert.
PL AFFIRM	Rogers, Frederick 07/18/2017	107:01-107:13	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Foundation testimony. The witness is designated as a non-retained expert.
PL AFFIRM	Rogers, Frederick 07/18/2017	108:23-108:25	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue. The witness is designated as a non-retained expert.
PL AFFIRM	Rogers, Frederick 07/18/2017	109:05-109:06	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue. The witness is designated as a non-retained expert.
PL AFFIRM	Rogers, Frederick 07/18/2017	110:04-110:06	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue. The witness is designated as a non-retained expert.
DEF COUNTER	Rogers, Frederick 07/18/2017	110:21-110:24			
DEF COUNTER	Rogers, Frederick 07/18/2017	111:01-111:12			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Rogers, Frederick 07/18/ 2017	119:13-119:24	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
PL AFFIRM	Rogers, Frederick 07/18/ 2017	120:01	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
DEF COUNTER	Rogers, Frederick 07/18/2017	120:03-120:07			
DEF COUNTER	Rogers, Frederick 07/18/2017	120:09-120:21			
DEF COUNTER	Rogers, Frederick 07/18/2017	120:23-121:05			
PL AFFIRM	Rogers, Frederick 07/18/ 2017	123:08-123:11	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue. Foundation
PL AFFIRM	Rogers, Frederick 07/18/ 2017	123:14-123:25	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
PL AFFIRM	Rogers, Frederick 07/18/ 2017	124:02	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
PL AFFIRM	Rogers, Frederick 07/18/ 2017	124:04-124:21	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. Rules 801/802. Testimony is hearsay.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
DEF COUNTER	Rogers, Frederick 07/18/2017	124:22-125:02			
PL AFFIRM	Rogers, Frederick 07/18/ 2017	125:03-125:06			
PL AFFIRM	Rogers, Frederick 07/18/ 2017	125:08-125:18	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
DEF COUNTER	Rogers, Frederick 07/18/2017	125:19-125:22			
DEF COUNTER	Rogers, Frederick 07/18/2017	125:25-126:04			
PL AFFIRM	Rogers, Frederick 07/18/ 2017	126:06-126:10	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
PL AFFIRM	Rogers, Frederick 07/18/ 2017	126:12	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Rogers, Frederick 07/18/ 2017	126:14-126:16	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
PL AFFIRM	Rogers, Frederick 07/18/ 2017	126:19-126:20	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
PL AFFIRM	Rogers, Frederick 07/18/ 2017	126:22-127:01	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial.	Testimony is relevant to the risks and general lack of efficacy of the class of products at issue, including and especially the filter at issue. Defendants open the door to such testimony by presenting argument and evidence regarding the life-saving properties of their filters. Further, evidence is relevant to the jury's assessment of the benefits of the filter at issue.
DEF COUNTER	Rogers, Frederick 07/18/2017	127:03-127:05	Overrule	Outside the scope of direct	
DEF COUNTER	Rogers, Frederick 07/18/2017	127:07-127:14	Overrule	Outside the scope of direct	
DEF COUNTER	Rogers, Frederick 07/18/2017	127:16-128:02	Overrule	Calls for speculation; outside the scope of direct	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	13:17-13:18			
DEF COUNTER	Schulz, Gin 01/30/2014	24:11-24:17			
PL AFFIRM	Schulz, Gin 01/30/2014	26:11-26:13			
DEF COUNTER	Schulz, Gin 01/30/2014	31:05-31:07			
DEF COUNTER	Schulz, Gin 01/30/2014	31:16-47:09			
DEF COUNTER	Schulz, Gin 01/30/2014	49:04-49:07			
PL AFFIRM	Schulz, Gin 01/30/2014	49:08-50:06			
PL AFFIRM	Schulz, Gin 01/30/2014	50:17-50:22			
PL AFFIRM	Schulz, Gin 01/30/2014	51:14-52:01			
PL AFFIRM	Schulz, Gin 01/30/2014	54:01-54:21	Sustain	(54:19-54:21) Ms. Schulz retired from Bard several years ago.	54:19-54:21 If Defendants assertion is true Plaintiff will withdraw this testimony.
DEF COUNTER	Schulz, Gin 01/30/2014	56:04-56:07 at ""Do you ""			
DEF COUNTER	Schulz, Gin 01/30/2014	56:14-57:04	Overrule	FRE 611(b) - beyond the scope of the direct examination.	
PL AFFIRM	Schulz, Gin 01/30/2014	57:24-58:11			
DEF COUNTER	Schulz, Gin 01/30/2014	58:12-58:17	Overrule	FRE 611(b) - beyond the scope of the direct examination.	
DEF COUNTER	Schulz, Gin 01/30/2014	59:01-59:12	Sustain as to including 58:20-58:24	FRE 611(b) - beyond the scope of the direct examination; FRE 106 - optional completeness - the witness's clarification and answer at lines 58:20-24 ought to be included.	
DEF COUNTER	Schulz, Gin 01/30/2014	59:23-60:03 at ""According ""	Overrule	FRE 611(b) - beyond the scope of the direct examination.	
DEF COUNTER	Schulz, Gin 01/30/2014	60:06-60:19	Overrule	FRE 611(b) - beyond the scope of the direct examination.	
PL AFFIRM	Schulz, Gin 01/30/2014	67:22-68:04			
DEF COUNTER	Schulz, Gin 01/30/2014	68:05-68:22	Overrule	FRE 611(b) - beyond the scope of the direct examination.	
PL AFFIRM	Schulz, Gin 01/30/2014	68:23-69:02			
DEF COUNTER	Schulz, Gin 01/30/2014	69:09-69:23	Sustain	This is an answer without a question.	
PL AFFIRM	Schulz, Gin 01/30/2014	69:24-71:12			
PL AFFIRM	Schulz, Gin 01/30/2014	71:16-71:17			
PL AFFIRM	Schulz, Gin 01/30/2014	71:21-72:24	Overrule	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case. Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	This testimony directly relates to Plaintiff failure to warn claim. This testimony is not what physicians would have wanted to know, instead this testimony is what information Bard elected to disclose and why that decision is made.
PL AFFIRM	Schulz, Gin 01/30/2014	73:03	Overrule	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case. Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	This testimony directly relates to Plaintiff failure to warn claim. This testimony is not what physicians would have wanted to know, instead this testimony is what information Bard elected to disclose and why that decision is made.
DEF COUNTER	Schulz, Gin 01/30/2014	77:22-78:01			
PL AFFIRM	Schulz, Gin 01/30/2014	85:10-86:04	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 86:23-87:01	Defendants are mistating the witnesses testimony from 86:23-87:01. This testimony refers to the Simon Nitinol Filter. The witness clearly identifies that she knows what the 510K process is and what substantial equivalence is.
PL AFFIRM	Schulz, Gin 01/30/2014	86:07-86:12	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 86:23-87:01	Defendants are mistating the witnesses testimony from 86:23-87:01. This testimony refers to the Simon Nitinol Filter. The witness clearly identifies that she knows what the 510K process is and what substantial equivalence is.
PL AFFIRM	Schulz, Gin 01/30/2014	89:01-89:14			
PL AFFIRM	Schulz, Gin 01/30/2014	90:08-90:15			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Schulz, Gin 01/30/2014	90:16-90:17	Overrule	Form: vague question. Assumes facts not in evidence. Bench top studies did not show that the eclipse was more fracture resistant. The studies showed that the wire has less stress applied to it.	
DEF COUNTER	Schulz, Gin 01/30/2014	90:20-91:09			
PL AFFIRM	Schulz, Gin 01/30/2014	101:23-102:12			
DEF COUNTER	Schulz, Gin 01/30/2014	101:23-103:03			
DEF COUNTER	Schulz, Gin 01/30/2014	103:06-104:12			
PL AFFIRM	Schulz, Gin 01/30/2014	104:14-104:23	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	This testimony does not involve any particular filter, but instead devices in general. Testimony discusses the needs of the device
PL AFFIRM	Schulz, Gin 01/30/2014	109:13-110:01	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves migration, which is at issue here and the testimony is not device specific.
PL AFFIRM	Schulz, Gin 01/30/2014	110:04-111:19	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves migration, which is at issue here and the testimony is not device specific.
PL AFFIRM	Schulz, Gin 01/30/2014	113:09-113:20			
PL AFFIRM	Schulz, Gin 01/30/2014	113:23-114:11			
DEF COUNTER	Schulz, Gin 01/30/2014	117:12-119:09			
PL AFFIRM	Schulz, Gin 01/30/2014	120:22-121:10			
PL AFFIRM	Schulz, Gin 01/30/2014	121:13-121:15			
PL AFFIRM	Schulz, Gin 01/30/2014	123:13-123:18			
DEF COUNTER	Schulz, Gin 01/30/2014	123:13-123:20			
PL AFFIRM	Schulz, Gin 01/30/2014	125:05-125:16			
PL AFFIRM	Schulz, Gin 01/30/2014	127:08-127:11			
PL AFFIRM	Schulz, Gin 01/30/2014	127:14			
PL AFFIRM	Schulz, Gin 01/30/2014	127:16-128:10			
PL AFFIRM	Schulz, Gin 01/30/2014	129:08-129:13	Overrule	Rule 401, 402. A questions without an answer is not evidence.	The answer is the following designation 129:16-129:24
PL AFFIRM	Schulz, Gin 01/30/2014	129:16-129:24			
PL AFFIRM	Schulz, Gin 01/30/2014	130:02-130:04			
PL AFFIRM	Schulz, Gin 01/30/2014	130:22-131:01			
PL AFFIRM	Schulz, Gin 01/30/2014	131:04-131:07			
PL AFFIRM	Schulz, Gin 01/30/2014	133:02-133:08			
PL AFFIRM	Schulz, Gin 01/30/2014	133:11			
DEF COUNTER	Schulz, Gin 01/30/2014	131:11-133:01	Sustain in part as to completeness	(133:21-133:1) FRE 401/402 (relevance); further, the designated lines are a statement by counsel, not a question, and do not constitute evidence.	
DEF COUNTER	Schulz, Gin 01/30/2014	135:01-135:04			
DEF COUNTER	Schulz, Gin 01/30/2014	135:07-136:02			
PL AFFIRM	Schulz, Gin 01/30/2014	144:16-144:19			
DEF COUNTER	Schulz, Gin 01/30/2014	145:11-145:20			
DEF COUNTER	Schulz, Gin 01/30/2014	145:23-147:19	Overrule	(147:20-149:21) - Nonresponsive - objection & motion to strike at 149:22-23.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	150:22-151:01			
DEF COUNTER	Schulz, Gin 01/30/2014	151:02-151:07	Overrule	(1) FRE 402, 403 - objection to evidence of FDA lack of enforcement for the reasons set forth in Plaintiff's Motion in Limine on this topic. (2) FRE 402, 403: objection to evidence of advocacy organization guidelines, for reasons stated in Plaintiff's Omnibus Motion in Limine; (3) FRE 602, 802: speculative & hearsay: witness lacks foundation to testify about FDA's intent/state of mind as to the SIR guidelines or as an expert on the legal requirements established by FDA; to extent witness is reporting that FDA represented or acknowledged in meetings that SIR guidelines or Bard failure rates were acceptable, the testimony is inadmissible hearsay. (4) FRE 402, 403: further, any probative value is outweighed by the danger of undue prejudice and confusion of the issues because (a) SIR has issued multiple guidelines and the testimony does not identify which ones were allegedly "acknowledged" or accepted by FDA, and (b) testimony implies that FDA found the failure rates for the Eclipse filter "to be acceptable," suggesting (improperly and without foundation) that FDA evaluated Eclipse filter for compliance with a Federal regulatory standard."	
PL AFFIRM	Schulz, Gin 01/30/2014	154:02-154:09			
PL AFFIRM	Schulz, Gin 01/30/2014	154:13-154:14			
PL AFFIRM	Schulz, Gin 01/30/2014	154:17-154:18			
DEF COUNTER	Schulz, Gin 01/30/2014	154:20-154:24	Sustain	(1) FRE 402, 403 - objection to evidence of FDA lack of enforcement for the reasons set forth in Plaintiff's Motion in Limine on this topic. (2) FRE 402, 403: objection to evidence of advocacy organization guidelines, for reasons stated in Plaintiff's Omnibus Motion in Limine; (3) FRE 602, 802: speculative & hearsay: witness lacks foundation to testify about FDA's intent/state of mind as to the SIR guidelines or as an expert on the legal requirements established by FDA; to extent witness is reporting that FDA represented or acknowledged in meetings that SIR guidelines or Bard failure rates were acceptable, the testimony is inadmissible hearsay. (4) FRE 402, 403: further, any probative value is outweighed by the danger of undue prejudice and confusion of the issues because (a) SIR has issued multiple guidelines and the testimony does not identify which ones were allegedly "acknowledged" or accepted by FDA, and (b) testimony implies that FDA found the failure rates for the Eclipse filter "to be acceptable," suggesting (improperly and without foundation) that FDA evaluated Eclipse filter for compliance with a Federal regulatory standard."	
DEF COUNTER	Schulz, Gin 01/30/2014	155:03-157:13			
PL AFFIRM	Schulz, Gin 01/30/2014	167:13-167:20			
PL AFFIRM	Schulz, Gin 01/30/2014	168:08-168:10			
PL AFFIRM	Schulz, Gin 01/30/2014	168:13-168:16			
PL AFFIRM	Schulz, Gin 01/30/2014	171:20-172:03			
PL AFFIRM	Schulz, Gin 01/30/2014	172:18-172:24			
PL AFFIRM	Schulz, Gin 01/30/2014	173:03			
PL AFFIRM	Schulz, Gin 01/30/2014	173:05-173:11			
PL AFFIRM	Schulz, Gin 01/30/2014	173:14-173:15			
PL AFFIRM	Schulz, Gin 01/30/2014	175:02-175:09			
PL AFFIRM	Schulz, Gin 01/30/2014	177:05-178:01			
PL AFFIRM	Schulz, Gin 01/30/2014	178:04-178:05			
DEF COUNTER	Schulz, Gin 01/30/2014	185:18-185:22 at "Most"			
DEF COUNTER	Schulz, Gin 01/30/2014	186:08-186:12			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	191:14-192:02	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	This testimony goes to the ultimate issues in this case. Bard has a history of claiming substantial equivalence between devices which in fact that is a lie. Further, Bard has a safer alternative design, the Simon Nitinol Filter, yet opted to push their dangerous "irretrievable filters". This testimony goes to design defect and failure to warn.
PL AFFIRM	Schulz, Gin 01/30/2014	192:05	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	This testimony goes to the ultimate issues in this case. Bard has a history of claiming substantial equivalence between devices which in fact that is a lie. Further, Bard has a safer alternative design, the Simon Nitinol Filter, yet opted to push their dangerous "irretrievable filters". This testimony goes to design defect and failure to warn.
PL AFFIRM	Schulz, Gin 01/30/2014	198:01-198:06	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The witness has established he credentials to give this testimony for almost 200 pages. The fact that she can't think of a reason that a company would keep a dangerous product on the market is not evidence that she does not have personal knowledge. It just means that this is not a legitimate reason for such actions. Testimony goes to Plaintiff's claims.
PL AFFIRM	Schulz, Gin 01/30/2014	198:09	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The witness has established he credentials to give this testimony for almost 200 pages. The fact that she can't think of a reason that a company would keep a dangerous product on the market is not evidence that she does not have personal knowledge. It just means that this is not a legitimate reason for such actions. Testimony goes to Plaintiff's claims.
PL AFFIRM	Schulz, Gin 01/30/2014	203:08-203:17			
PL AFFIRM	Schulz, Gin 01/30/2014	204:17-204:20			
PL AFFIRM	Schulz, Gin 01/30/2014	206:15-206:22			
PL AFFIRM	Schulz, Gin 01/30/2014	207:24-208:19			
DEF COUNTER	Schulz, Gin 01/30/2014	208:24-209:04			
DEF COUNTER	Schulz, Gin 01/30/2014	209:07-209:10			
DEF COUNTER	Schulz, Gin 01/30/2014	215:14-215:23			
DEF COUNTER	Schulz, Gin 01/30/2014	216:02-216:08			
PL AFFIRM	Schulz, Gin 01/30/2014	216:17-216:21	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn.
PL AFFIRM	Schulz, Gin 01/30/2014	216:24-217:01	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn.
PL AFFIRM	Schulz, Gin 01/30/2014	217:03-217:07	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn.
PL AFFIRM	Schulz, Gin 01/30/2014	217:11-217:20	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn.
DEF COUNTER	Schulz, Gin 01/30/2014	217:21-218:04			
DEF COUNTER	Schulz, Gin 01/30/2014	218:07-218:19	Sustain	(2:18:12-17): FRE 602/702: the witness lacks personal knowledge of whether filters "took the recurring PE rate down" and is not qualified to offer evidence on this topic. FRE 402/403: as explained in Plaintiffs' Omnibus Motion in Limine, testimony that filters "prevent PES" ought to be excluded because no such evidence exists for Bard's retrievable filter line. Further the testimony is non-	
PL AFFIRM	Schulz, Gin 01/30/2014	219:01-219:06			
PL AFFIRM	Schulz, Gin 01/30/2014	219:09-219:10			
PL AFFIRM	Schulz, Gin 01/30/2014	219:12-219:13			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	220:21-221:02	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn. The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. The testimony concerns what Bard told physicians not what they wanted to know.
PL AFFIRM	Schulz, Gin 01/30/2014	221:05-221:06	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn. The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. The testimony concerns what Bard told physicians not what they wanted to know.
PL AFFIRM	Schulz, Gin 01/30/2014	224:01-224:14 Redact the words "and in some cases causing death" at lines 4 & 5	Sustain	This testimony violates the Court's ruling on Bard's MLI on Recovery migration death. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn. The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. The testimony concerns the importance of the information that Bard was withholding. With the redactions the references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Schulz, Gin 01/30/2014	225:02-225:14	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn. The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. The testimony concerns the importance of the information that Bard was withholding.
PL AFFIRM	Schulz, Gin 01/30/2014	225:22-226:02	Overrule	Answer without a question. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn. The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. The testimony concerns the importance of the information that Bard was withholding.
PL AFFIRM	Schulz, Gin 01/30/2014	226:04-226:05	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn. The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. The testimony concerns the importance of the information that Bard was withholding.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	226:10-226:11	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn. The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. The testimony concerns the importance of the information that Bard was withholding.
PL AFFIRM	Schulz, Gin 01/30/2014	226:15-226:16	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See testimony at 227:23-228:02.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn. The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. The testimony concerns the importance of the information that Bard was withholding.
PL AFFIRM	Schulz, Gin 01/30/2014	227:04-227:13	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. See testimony at 227:23-228:02.	Testimony shows Bard's history of withholding critical information from physicians, which prevented physicians from making informed decisions about Bard's IVC filters. Goes to failure to warn. The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. The testimony concerns the importance of the information that Bard was withholding.
DEF COUNTER	Schulz, Gin 01/30/2014	227:23-228:02	Override	FRE 106 - Optional completeness; the remainder of the witness's answer at 228:4-6 ought to be included.	
PL AFFIRM	Schulz, Gin 01/30/2014	228:07-228:19	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 801/802. Testimony is hearsay.	The witness had direct involvement with the issue being discussed and it was part of her duties at Bard to be aware of the needs of physicians. Mr. Peterson's filter fractured. The Recovery is relevant to the Eclipse as ruled by the MDL Court.
PL AFFIRM	Schulz, Gin 01/30/2014	229:01-229:21	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 801/802. Testimony is hearsay.	The witness had direct involvement with the issue being discussed and it was part of her duties at Bard to be aware of the needs of physicians. Mr. Peterson remains at risk for filter fracture. The Recovery is relevant to the Eclipse as ruled by the MDL Court.
PL AFFIRM	Schulz, Gin 01/30/2014	231:05-231:14	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 801/802. Testimony is hearsay.	The witness had direct involvement with the issue being discussed and it was part of her duties at Bard to be aware of the needs of physicians. Mr. Peterson's filter fractured. The Recovery is relevant to the Eclipse as ruled by the MDL Court.
PL AFFIRM	Schulz, Gin 01/30/2014	231:16			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	278:22-278:24	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 801/802. Testimony is hearsay.	The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. Mr. Peterson's filter migrated.
PL AFFIRM	Schulz, Gin 01/30/2014	279:03-279:10	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 801/802. Testimony is hearsay.	The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. Mr. Peterson's filter migrated.
PL AFFIRM	Schulz, Gin 01/30/2014	279:14-279:21			
PL AFFIRM	Schulz, Gin 01/30/2014	279:24-280:02			
PL AFFIRM	Schulz, Gin 01/30/2014	282:19-283:05	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The document was created nearly a year before the witness began to work at Bard.	The testimony asks what an internal procedure/document from Bard is and the witness answers with knowledge. The witness does not have to be present at the creation of a document to have knowledge of the document. The witness was aware of this document see 283:19-283:22
PL AFFIRM	Schulz, Gin 01/30/2014	284:03-285:01 Redact the word "death" at line 14 and "4,6" from line 17	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. The document was created nearly a year before the witness began to work at Bard.	The Recovery filter is relevant to the Eclipse filter, as ruled by Judge Campbell in the MDL. The testimony asks what an internal procedure/document from Bard is and the witness answers with knowledge. The witness does not have to be present at the creation of a document to have knowledge of the document. The witness was aware of this document see 283:19-283:22
DEF COUNTER	Schulz, Gin 01/30/2014	285:02-285:09 at "Given"			
DEF COUNTER	Schulz, Gin 01/30/2014	285:13-285:23			
DEF COUNTER	Schulz, Gin 01/30/2014	290:13-290:16	Sustain	Optional completeness: the complete question, beginning at 290:2, ought to be included, as the omission of the question makes it unclear what the witness is actually being asked.	
DEF COUNTER	Schulz, Gin 01/30/2014	290:19-291:06	Sustain	FRE 402/403: The witness's testimony that she believed the Bard personnel who made decisions were qualified is not relevant to any matter at issue, including, but not limited to, the issue of consumer expectations.	
PL AFFIRM	Schulz, Gin 01/30/2014	301:11-301:15			
PL AFFIRM	Schulz, Gin 01/30/2014	301:19-301:20			
PL AFFIRM	Schulz, Gin 01/30/2014	343:12-343:15			
PL AFFIRM	Schulz, Gin 01/30/2014	343:23-344:15			
PL AFFIRM	Schulz, Gin 01/30/2014	344:24-346:01			
PL AFFIRM	Schulz, Gin 01/30/2014	346:04-346:06			
PL AFFIRM	Schulz, Gin 01/30/2014	346:24-347:16			
PL AFFIRM	Schulz, Gin 01/30/2014	347:19			
DEF COUNTER	Schulz, Gin 01/30/2014	351:19-352:21			
PL AFFIRM	Schulz, Gin 01/30/2014	352:22-353:12			
PL AFFIRM	Schulz, Gin 01/30/2014	353:20			
PL AFFIRM	Schulz, Gin 01/30/2014	357:11-357:12			
PL AFFIRM	Schulz, Gin 01/30/2014	357:19-357:22			
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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	363:07-363:13 Redact the word "death" from line 9	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The Recovery filter, as ruled by Judge Campbell in the MDL, is relevant to the Eclipse filter. In order to prove failure to warn and design defect Plaintiff should be allowed to tell the entire story of Bard's retrievable filters. With the redactions, the reference does not include a cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death.
PL AFFIRM	Schulz, Gin 01/30/2014	378:05-378:10			16 MDL Doc. 108-101
PL AFFIRM	Schulz, Gin 01/30/2014	379:19-380:02			
PL AFFIRM	Schulz, Gin 01/30/2014	385:05-385:22			
PL AFFIRM	Schulz, Gin 01/30/2014	386:01-386:06			
PL AFFIRM	Schulz, Gin 01/30/2014	386:08-386:15			
PL AFFIRM	Schulz, Gin 01/30/2014	388:02-388:16			
PL AFFIRM	Schulz, Gin 01/30/2014	388:19-388:21			
PL AFFIRM	Schulz, Gin 01/30/2014	394:15-394:23			
DEF COUNTER	Schulz, Gin 01/30/2014	394:24-395:07	Overrule	Lack of foundation. Witness does not know if the "product" was improved with every iteration.	
DEF COUNTER	Schulz, Gin 01/30/2014	395:10-395:18	Overrule	Lack of foundation. Witness does not know if the "product" was improved with every iteration.	
PL AFFIRM	Schulz, Gin 01/30/2014	395:19-395:23			
PL AFFIRM	Schulz, Gin 01/30/2014	396:02-396:03			
PL AFFIRM	Schulz, Gin 01/30/2014	399:21-400:09			
PL AFFIRM	Schulz, Gin 01/30/2014	402:22-402:24			
PL AFFIRM	Schulz, Gin 01/30/2014	403:01-403:09			
PL AFFIRM	Schulz, Gin 01/30/2014	406:05-406:16			
DEF COUNTER	Schulz, Gin 01/30/2014	406:17-406:19	Sustain	Lack of foundation. Witness cannot speak for the entire medical community.	
DEF COUNTER	Schulz, Gin 01/30/2014	406:22-407:02	Sustain	Lack of foundation. Witness cannot speak for the entire medical community.	
PL AFFIRM	Schulz, Gin 01/30/2014	409:02-409:06			
PL AFFIRM	Schulz, Gin 01/30/2014	409:09-409:10			
PL AFFIRM	Schulz, Gin 01/30/2014	409:21-409:23			
PL AFFIRM	Schulz, Gin 01/30/2014	410:02-410:03			
PL AFFIRM	Schulz, Gin 01/30/2014	410:05-410:15			
PL AFFIRM	Schulz, Gin 01/30/2014	410:18-410:24			
PL AFFIRM	Schulz, Gin 01/30/2014	411:02-411:05			
PL AFFIRM	Schulz, Gin 01/30/2014	413:13-413:16			
PL AFFIRM	Schulz, Gin 01/30/2014	413:19-413:20			
PL AFFIRM	Schulz, Gin 01/30/2014	413:22-414:01			
PL AFFIRM	Schulz, Gin 01/30/2014	414:09-414:17			
PL AFFIRM	Schulz, Gin 01/30/2014	414:20-414:21			
DEF COUNTER	Schulz, Gin 01/30/2014	414:23-414:24	Overrule	vague and confusing question. Lack of foundation. Relevant is not clear in the question or based on the answer.	

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Schulz, Gin 01/30/2014	415:03-415:09	Override	vague and confusing question. Lack of foundation. Relevant is not clear in the question or based on the answer.	
PL AFFIRM	Schulz, Gin 01/30/2014	415:22-416:02			
PL AFFIRM	Schulz, Gin 01/30/2014	416:06-416:07			
PL AFFIRM	Schulz, Gin 01/30/2014	417:09-417:11			
PL AFFIRM	Schulz, Gin 01/30/2014	417:14-417:17			
PL AFFIRM	Schulz, Gin 01/30/2014	417:19-418:03			
PL AFFIRM	Schulz, Gin 01/30/2014	418:06-418:07			
PL AFFIRM	Schulz, Gin 01/30/2014	418:09-418:22			
PL AFFIRM	Schulz, Gin 01/30/2014	419:01			
PL AFFIRM	Schulz, Gin 01/30/2014	419:03-419:08			
PL AFFIRM	Schulz, Gin 01/30/2014	419:11-419:24			
PL AFFIRM	Schulz, Gin 01/30/2014	420:02-420:06			
PL AFFIRM	Schulz, Gin 01/30/2014	420:09-420:11			
PL AFFIRM	Schulz, Gin 01/30/2014	422:18-422:21			
PL AFFIRM	Schulz, Gin 01/30/2014	422:24-423:02			
PL AFFIRM	Schulz, Gin 01/30/2014	428:01-428:05			
PL AFFIRM	Schulz, Gin 01/30/2014	428:08			
PL AFFIRM	Schulz, Gin 01/30/2014	431:14-431:17			
PL AFFIRM	Schulz, Gin 01/30/2014	431:20			
PL AFFIRM	Schulz, Gin 01/30/2014	431:22-432:05			
DEF COUNTER	Schulz, Gin 01/30/2014	432:20-432:22	Sustain	Speculation. The witness cannot speak for Dr. Ciavarella and what he did and did not understand.	
DEF COUNTER	Schulz, Gin 01/30/2014	433:01-433:05	Sustain	Speculation. The witness cannot speak for Dr. Ciavarella and what he did and did not understand.	
PL AFFIRM	Schulz, Gin 01/30/2014	434:19-434:20			
PL AFFIRM	Schulz, Gin 01/30/2014	435:04-436:05			
PL AFFIRM	Schulz, Gin 01/30/2014	436:18-437:05			
DEF COUNTER	Schulz, Gin 01/30/2014	437:06-437:21	Sustain	Counsel if testifying. The document speaks for itself.	
PL AFFIRM	Schulz, Gin 01/30/2014	437:24-438:04			
DEF COUNTER	Schulz, Gin 01/30/2014	438:05-438:11	Sustain	Counsel if testifying. The document speaks for itself.	
PL AFFIRM	Schulz, Gin 01/30/2014	438:12-439:23			
PL AFFIRM	Schulz, Gin 01/30/2014	440:04-440:06	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49:8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
DEF COUNTER	Schulz, Gin 01/30/2014	440:07-440:11			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	440:12-440:23	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	441:05-442:02	Override		Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	442:06-442:14	Override		Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
DEF COUNTER	Schulz, Gin 01/30/2014	443:07-443:20			
PL AFFIRM	Schulz, Gin 01/30/2014	444:07-444:15	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
DEF COUNTER	Schulz, Gin 01/30/2014	444:16-444:22	Sustain	Non responsive. The witness did not answer the question. Speculations, the witness cannot speak for what physicians believed to be the tradeoffs of retrievable filters.	
DEF COUNTER	Schulz, Gin 01/30/2014	445:01-445:08	Sustain	Non responsive. The witness did not answer the question. Speculations, the witness cannot speak for what physicians believed to be the tradeoffs of retrievable filters.	
PL AFFIRM	Schulz, Gin 01/30/2014	446:14-447:06	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	447:09-447:11	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Tilting and penetration are at issue in this case. The witness is allowed to explain her understanding. He references are not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death.
PL AFFIRM	Schulz, Gin 01/30/2014	447:13-447:19			(MDL Doc. 10810)
PL AFFIRM	Schulz, Gin 01/30/2014	448:09-448:13			
PL AFFIRM	Schulz, Gin 01/30/2014	448:16			
PL AFFIRM	Schulz, Gin 01/30/2014	448:18			
PL AFFIRM	Schulz, Gin 01/30/2014	448:21			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	448:23-449:18	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	449:21-449:23	Override		Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	450:09-450:20	Override		Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	451:16-452:01	Sustain		Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
DEF COUNTER	Schulz, Gin 01/30/2014	452:04-452:13	Sustain	This is an answer without a question.	
DEF COUNTER	Schulz, Gin 01/30/2014	452:19-452:22			
DEF COUNTER	Schulz, Gin 01/30/2014	453:01-453:03			
PL AFFIRM	Schulz, Gin 01/30/2014	453:07-453:13	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	453:22-454:09	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	454:12-454:14	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	454:16-455:02	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	455:05-455:06	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	455:10-455:11	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	456:01-456:06	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	457:06-457:10	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	458:05-458:09	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	459:20-459:24	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	460:04-460:06	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	460:20-461:06	Override	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49 8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Schulz, Gin 01/30/2014	461.09	Overrule	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49-8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard.
PL AFFIRM	Schulz, Gin 01/30/2014	461.23-462.02	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 801/802. Testimony is hearsay.	Mr. Peterson's filter fractured. The witness said she read the study. The Recovery filter is relevant to this case. The references are not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Schulz, Gin 01/30/2014	462.08-462.11	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 801/802. Testimony is hearsay.	Mr. Peterson's filter fractured. The witness said she read the study. The Recovery filter is relevant to this case. The references are not to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
DEF COUNTER	Schulz, Gin 01/30/2014	465.12-465.20			
DEF COUNTER	Schulz, Gin 01/30/2014	466.06-466.09			
PL AFFIRM	Schulz, Gin 01/30/2014	467.23-468.15	Overrule	Rules 801/802 - calls for hearsay. Rules 601/602/612 - the witness does not have personal knowledge of the study.	The witness states she is sure she would have reviewed the study being discussed (467-23-468 03). Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49-8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard. Proper use of the study under FRE 803(18).
PL AFFIRM	Schulz, Gin 01/30/2014	468.18-468.22	Overrule	Rules 801/802 - calls for hearsay. Rules 601/602/612 - the witness does not have personal knowledge of the study.	The witness states she is sure she would have reviewed the study being discussed (467-23-468 03). Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49-8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard. Proper use of the study under FRE 803(18).
PL AFFIRM	Schulz, Gin 01/30/2014	468.24-469.17	Overrule	Rules 801/802 - calls for hearsay. Rules 601/602/612 - the witness does not have personal knowledge of the study.	The witness states she is sure she would have reviewed the study being discussed (467-23-468 03). Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49-8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard. Proper use of the study under FRE 803(18).
PL AFFIRM	Schulz, Gin 01/30/2014	469.22-470.01	Overrule	Rules 801/802 - calls for hearsay. Rules 601/602/612 - the witness does not have personal knowledge of the study.	The witness states she is sure she would have reviewed the study being discussed (467-23-468 03). Ms. Schultz has been with Bard since 2005. She was hired as VP of quality assurance and is still in quality assurance with responsibilities and was responsible for implementing Bard's quality systems, including regulatory compliance, complaint handling, corrective actions etc. (49-8-51:19) The use of the Bard corporate documents is foundational to the questions being asked about the performance of the Bard filters and some complaints that were reviewed by Bard. All areas within her knowledge and area of responsibility at Bard. Proper use of the study under FRE 803(18).

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL BLANKET OBJECTION				Plaintiff objects to all of the testimony of Ms. Schulz regarding 510(k) process/application, FDA regulations/communication, and SIR guidelines. Testimony regarding the 510(k), FDA regulations, and SIR are not relevant and Plaintiff incorporates his arguments. In addition to his Motion in Limine/Motion to Exclude, Plaintiff makes the following specific objections and designations.	
DEF AFFIRM	Schulz, Gin 01/30/2014	24:04-24:10 begin at "Can"			
DEF AFFIRM	Schulz, Gin 01/30/2014	26:11-26:13			
DEF AFFIRM	Schulz, Gin 01/30/2014	30:12-30:16 begin at "You" end at through "1990"			
DEF AFFIRM	Schulz, Gin 01/30/2014	30:21-31:04 begin at "And"			
DEF AFFIRM	Schulz, Gin 01/30/2014	31:08-31:15 begin at "when"			
DEF AFFIRM	Schulz, Gin 01/30/2014	49:08-50:24			
DEF AFFIRM	Schulz, Gin 01/30/2014	52:22-53:24 begin at "And"			
DEF AFFIRM	Schulz, Gin 01/30/2014	54:01-55:10 begin at "Now"			
PL COUNTER	Schulz, Gin 01/30/2014	109:22-110:01	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This is not within the scope of Defendant's designations; this is not a "counter-designation."	
PL COUNTER	Schulz, Gin 01/30/2014	110:04-110:14	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This is not within the scope of Defendant's designations; this is not a "counter-designation."	
DEF AFFIRM	Schulz, Gin 01/30/2014	123:21-124:03 begin at "if"			
DEF AFFIRM	Schulz, Gin 01/30/2014	124:06-124:20	Overrule	(124:06-20): Non-responsive. (124:18-20): FRE: 602 & 702: Lack of foundation; speculative: witness is not qualified or properly designated to testify as an expert about what "FDA looks at...on the approval of the devices." Also, FRE: 403: any probative value of reference to what FDA considers in "approval of the devices" is outweighed by the danger of undue prejudice and confusion of the issues because the device at issue was never "approved" and the FDA made no risk/benefit analysis of the device at issue although testimony implies that occurred.	The witness is testifying from her extensive personal experience. She was asked extensively about these issues by Plaintiff's counsel who apparently believed she had the pertinent background and experience to testify as to these issues -- otherwise, they wouldn't have asked. Any confusion regarding "approval" or "clearance" can be easily cured by inclusion of 124:22-23.
DEF AFFIRM	Schulz, Gin 01/30/2014	125:11-125:22 begin at "And"	Sustain in part as to giving answer	FRE 602, 702: Lack of foundation: witness has no personal knowledge and is neither qualified nor properly designated as an expert to testify about how an implanting physician makes risk/benefit decisions in using the device at issue. Further, FRE 106: the rule of optional completeness requires the answer (at line 125:16) if this excerpt is permitted because the question is designated without the witness's answer and gives the improper impression that the answer given at lines 126:1 and following is an answer to the designated question, rather than line 16.	The witness is testifying from her extensive personal experience. She was asked extensively about these issues by Plaintiff's counsel who apparently believed she had the pertinent background and experience to testify as to these issues -- otherwise, they wouldn't have asked. Defendants do not object to the inclusion of 125:16.
DEF AFFIRM	Schulz, Gin 01/30/2014	126:01-127:06	Sustain in part as to giving question	(126:01-06): FRE 106: under the rule of optional completeness the jury should hear the question at lines 125:17-22 (rather than the question at lines 125:11-15) since that is the actual question this witness is answering in the designated testimony. (Highlighted transcript includes lines 126:7- 127:6, to which Plaintiffs have additional objections. Plaintiffs assume that this chart presents the correct intended designations).	Defendants do not object to the inclusion of 125:17-22. Plaintiffs do not articulate what their "additional objections" are.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Schulz, Gin 01/30/2014	147:20-149:21	Override	(147:20-149:21): Non-responsive. (147:20-150:13): (1) FRE 402, 403 - objection to evidence of FDA lack of enforcement for the reasons set forth in Plaintiff's Motion in Limine on this topic. (2) FRE 402, 403: objection to evidence of advocacy organization guidelines, for reasons stated in Plaintiff's Omnibus Motion in Limine; (3) FRE 602, 802: speculative & hearsay: witness lacks foundation to testify about FDA's intent/state of mind as to the SIR guidelines or as an expert on the legal requirements established by FDA; to extent witness is reporting that FDA represented or acknowledged in meetings that SIR guidelines or Bard failure rates were acceptable, the testimony is inadmissible hearsay. (4) FRE 402, 403: testimony is irrelevant because the witness went to work at Bard in 2005 and did not explain when such meetings occurred, thus the testimony is not shown to pertain to the G2X filter or to the time frame at issue (2010), further, any probative value is outweighed by the danger of undue prejudice and confusion of the issues because (a) SIR has issued multiple guidelines and the testimony does not identify which ones were allegedly "acknowledged" or accepted by FDA, and (b) testimony implies that FDA found the failure rates for the G2X filter "to be acceptable," suggesting (improperly and without foundation) that FDA evaluated G2X filter for compliance with a Federal regulatory standard.	The witness is testifying from her extensive personal experience. She was asked extensively about these issues by Plaintiff's counsel who apparently believed she had the pertinent background and experience to testify as to these issues -- otherwise, they wouldn't have asked. It is ironic for Plaintiff to object to this testimony on the basis that Ms. Schulz began with Bard in 2005 and the timeframe at issue is 2010 -- Plaintiff has designated a significant amount of testimony from this and other witnesses regarding events and circumstances from the 2003-2005, etc. timeframe. Plaintiff cannot have it both ways. Either the pertinent time period is 2010, or both parties can present evidence from this earlier time period. Defendants incorporate their responses to Plaintiff's motions in limine.
DEF AFFIRM	Schulz, Gin 01/30/2014	150:02-150:13	Override	See objections to 147:20-149:21, above.	The witness is testifying from her extensive personal experience. She was asked extensively about these issues by Plaintiff's counsel who apparently believed she had the pertinent background and experience to testify as to these issues -- otherwise, they wouldn't have asked. It is ironic for Plaintiff to object to this testimony on the basis that Ms. Schulz began with Bard in 2005 and the timeframe at issue is 2010 -- Plaintiff has designated a significant amount of testimony from this and other witnesses regarding events and circumstances from the 2003-2005, etc. timeframe. Plaintiff cannot have it both ways. Either the pertinent time period is 2010, or both parties can present evidence from this earlier time period. Defendants incorporate their responses to Plaintiff's motions in limine.
PL COUNTER	Schulz, Gin 01/30/2014	150:22-151:01			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Tessmer, Alex 06/12/2013	11:15-11:17			
PL AFFIRM	Tessmer, Alex 06/12/2013	12:18			
PL AFFIRM	Tessmer, Alex 06/12/2013	13:17-13:20			
PL AFFIRM	Tessmer, Alex 06/12/2013	16:07-16:11			
PL AFFIRM	Tessmer, Alex 06/12/2013	19:06-19:10 "I transferred"			
PL AFFIRM	Tessmer, Alex 06/12/2013	19:23-20:04 "okay"			
PL AFFIRM	Tessmer, Alex 06/12/2013	22:05-22:12			
DEF COUNTER	Tessmer, Alex 06/12/2013	22:13-22:18			
PL AFFIRM	Tessmer, Alex 06/12/2013	22:19-23:02			
DEF COUNTER	Tessmer, Alex 06/12/2013	23:03-23:05			
PL AFFIRM	Tessmer, Alex 06/12/2013	23:14-24:02	Override	Incomplete answer; answer continues through line 5	24:2-5 is non-responsive
DEF COUNTER	Tessmer, Alex 06/12/2013	23:20-23:22			
DEF COUNTER	Tessmer, Alex 06/12/2013	24:02-24:08			
PL AFFIRM	Tessmer, Alex 06/12/2013	25:24-26:02 end "team"	Override	Incomplete answer; answer continues through line 3	
DEF COUNTER	Tessmer, Alex 06/12/2013	26:02-26:06			
PL AFFIRM	Tessmer, Alex 06/12/2013	29:09-29:11			
PL AFFIRM	Tessmer, Alex 06/12/2013	42:11-42:15			
PL AFFIRM	Tessmer, Alex 06/12/2013	43:09-43:10			
PL AFFIRM	Tessmer, Alex 06/12/2013	43:25-44:06			
PL AFFIRM	Tessmer, Alex 06/12/2013	44:14			
DEF COUNTER	Tessmer, Alex 06/12/2013	44:15-44:18 stopping at function			
DEF COUNTER	Tessmer, Alex 06/12/2013	44:19-44:21 starting at "do you agree"			
DEF COUNTER	Tessmer, Alex 06/12/2013	44:24-45:03			
DEF COUNTER	Tessmer, Alex 06/12/2013	49:05-49:07			
DEF COUNTER	Tessmer, Alex 06/12/2013	49:09-49:16			
PL AFFIRM	Tessmer, Alex 06/12/2013	56:03-56:05 "you re in"			
DEF COUNTER	Tessmer, Alex 06/12/2013	56:06-56:17			
PL AFFIRM	Tessmer, Alex 06/12/2013	56:18-56:21			
PL AFFIRM	Tessmer, Alex 06/12/2013	56:23-56:25			
PL AFFIRM	Tessmer, Alex 06/12/2013	57:16-57:18			
DEF COUNTER	Tessmer, Alex 06/12/2013	57:19-57:25			
DEF COUNTER	Tessmer, Alex 06/12/2013	58:16-58:25			
PL AFFIRM	Tessmer, Alex 06/12/2013	61:09-61:13 "do you think"	Override	Rule 611. Vague and ambiguous and assumes facts not in evidence.	Not vague, not ambiguous, does not assume any facts. Witness was asked about his understanding of his industry and how a manufacturer should respond to known device failures.
PL AFFIRM	Tessmer, Alex 06/12/2013	62:03-62:04	Override	Rule 611. Vague and ambiguous and assumes facts not in evidence.	Not vague, not ambiguous, does not assume any facts. Witness was asked about his understanding of his industry and how a manufacturer should respond to known device failures.

Tessmer 6-12-13

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Tessmer, Alex 06/12/2013	65:03-65:07	Sustain	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case. Irrelevant and any probative value outweighed by prejudicial effect. Implies that duty to warn is to the patient, but under Oregon law it is the physician.	Testimony involves the Recovery, which is the predicate of the filter at issue. Testimony is relevant to whether the Recovery and the filters based upon it have a defective design and defective warnings which is at issue. Testimony involves migration, which is a failure mode at issue and applies to all Bard's filters
DEF COUNTER	Tessmer, Alex 06/12/2013	65:16-65:18			
PL AFFIRM	Tessmer, Alex 06/12/2013	65:19-65:20 ending at "going to migrate."	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402 & 403-Irrelevant and Unfairly Prejudicial. Rule 611(a)(3) questioning is argumentative and subjects witness to harassment.	Testimony involves the Recovery, which is the predicate of the filter at issue. Testimony is relevant to whether the Recovery and the filters based upon it have a defective design and defective warnings which is at issue. Testimony involves migration, which is a failure mode at issue and applies to all Bard's filters
PL AFFIRM	Tessmer, Alex 06/12/2013	66:14-66:20	Sustain	Implies that the duty to warn is to the patient, but under Oregon law it is to the doctor.	It does not assume direct communication to the patient. The the patient is ultimately the one who is deciding to have the device implanted and that decision is based on the information made available to his physician. The content of the question is clear when considered with 61:09-61:13 & 62:03-62:04
DEF COUNTER	Tessmer, Alex 06/12/2013	66:21-67:06			
DEF COUNTER	Tessmer, Alex 06/12/2013	78:05-78:08	Overrule	FRE 401, 402, 403. This is an answer taken completely out of context. There is no question asked and therefore the statement is not responsive and as it is out context it is confusing and likely to mislead.	
DEF COUNTER	Tessmer, Alex 06/12/2013	78:18-78:19	Overrule	FRE 401, 402, 403 This is an answer taken completely out of context. There is no question asked and therefore the statement is not responsive and as it is out context it is confusing and likely to mislead.	
DEF COUNTER	Tessmer, Alex 06/12/2013	78:21-78:25			
DEF COUNTER	Tessmer, Alex 06/12/2013	79:02-79:03			
DEF COUNTER	Tessmer, Alex 06/12/2013	81:07-81:14			
DEF COUNTER	Tessmer, Alex 06/12/2013	82:04-82:14			
DEF COUNTER	Tessmer, Alex 06/12/2013	83:01-83:14			
DEF COUNTER	Tessmer, Alex 06/12/2013	88:25-89:03			
DEF COUNTER	Tessmer, Alex 06/12/2013	89:09-89:12			
PL AFFIRM	Tessmer, Alex 06/12/2013	102:25-103:16	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate of the filter at issue. Testimony is relevant to whether the Recovery and the filters based upon it have a defective design and defective warnings which is at issue. Testimony involves migration, which is a failure mode at issue and applies to all Bard's filters
PL AFFIRM	Tessmer, Alex 06/12/2013	104:02-104:06	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate of the filter at issue. Testimony is relevant to whether the Recovery and the filters based upon it have a defective design and defective warnings which is at issue. Testimony involves migration, which is a failure mode at issue and applies to all Bard's filters
PL AFFIRM	Tessmer, Alex 06/12/2013	109:09-109:12	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate of the filter at issue. Testimony is relevant to whether the Recovery and the filters based upon it have a defective design and defective warnings which is at issue. Testimony involves migration, which is a failure mode at issue and applies to all Bard's filters
DEF COUNTER	Tessmer, Alex 06/12/2013	109:13-109:22			
DEF COUNTER	Tessmer, Alex 06/12/2013	112:11-112:17			
DEF COUNTER	Tessmer, Alex 06/12/2013	113:04-113:14			
DEF COUNTER	Tessmer, Alex 06/12/2013	142:21-142:25			
DEF COUNTER	Tessmer, Alex 06/12/2013	143:02-143:21			
DEF COUNTER	Tessmer, Alex 06/12/2013	155:01-155:03			
DEF COUNTER	Tessmer, Alex 06/12/2013	159:24-160:05			
DEF COUNTER	Tessmer, Alex 06/12/2013	160:07-160:09			

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DESIGNEE DEF COUNTER	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Tessmer, Alex 06/12/2013	164:09-164:12 231:13	Override	(Exhibit 14 and testimony) Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Witness was not at Bard when document was created. See 232:02-232:05.	Personal knowledge of the subject matter was established through the testimony of the witness.
PL AFFIRM	Tessmer, Alex 06/12/2013	232:02-232:05 "this is dated" 232:14	Override	(Exhibit 14 and testimony) Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Witness was not at Bard when document was created. See 232:02-232:05.	Personal knowledge of the subject matter was established through the testimony of the witness. The document concerns subject matter that is within the area of responsibility he had when he was at Bard. He was member of the Filter Team.
PL AFFIRM	Tessmer, Alex 06/12/2013	232:17-233:12	Override	(Exhibit 14 and testimony) Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Witness was not at Bard when document was created. See 232:02-232:05.	Personal knowledge of the subject matter was established through the testimony of the witness. The document concerns subject matter that is within the area of responsibility he had when he was at Bard. He was member of the Filter Team. 25:24-26:02
PL AFFIRM	Tessmer, Alex 06/12/2013	233:22 "I don't know"	Override	(Exhibit 14 and testimony) Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Witness was not at Bard when document was created. See 232:02-232:05.	Personal knowledge of the subject matter was established through the testimony of the witness. The document concerns subject matter that is within the area of responsibility he had when he was at Bard. He was a member of the Filter Team. 25:24-26:02
PL AFFIRM	Tessmer, Alex 06/12/2013	233:24-234:02	Override	(Exhibit 14 and testimony) Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Witness was not at Bard when document was created. See 232:02-232:05.	Personal knowledge of the subject matter was established through the testimony of the witness. The document concerns subject matter that is within the area of responsibility he had when he was at Bard. He was a member of the Filter Team. 25:24-26:02
DEF COUNTER	Tessmer, Alex 06/12/2013	248:02-248:09 subject to objection	Sustain	FRE 401, 402, 403: This is a portion of answer taken completely out of context. There is no question asked and therefore the statement is not responsive and as it is, out context it is confusing and likely to mislead.	
PL AFFIRM	Tessmer, Alex 06/12/2013	255:12-255:15			
PL AFFIRM	Tessmer, Alex 06/12/2013	297:22-297:25	Sustain	(Exhibit 14 and testimony) Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Witness was not at Bard when document was created. See 232:02-232:05.	Personal knowledge of the subject matter was established through the testimony of the witness. The document concerns subject matter that is within the area of responsibility he had when he was at Bard. He was a member of the Filter Team. 25:24-26:02 and 29:09-29:11. It is proper to use the Bard composite document to evaluate what he knew and/or what information he was not given while working at Bard.
PL AFFIRM	Tessmer, Alex 06/12/2013	298:03-298:04	Sustain	(Exhibit 14 and testimony) Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Witness was not at Bard when document was created. See 232:02-232:05.	Personal knowledge of the subject matter was established through the testimony of the witness. The document concerns subject matter that is within the area of responsibility he had when he was at Bard. He was a member of the Filter Team and was at Bard during the development of the G2. 25:24-26:02 and 29:09-29:11. It is proper to use the Bard composite document to evaluate what he knew and/or what information he was not given while working at Bard.
PL AFFIRM	Tessmer, Alex 06/12/2013	298:07 "I don't recall"	Sustain	(Exhibit 14 and testimony) Rules 601/602 & 612. Witness does not have personal knowledge of document. Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Witness was not at Bard when document was created. See 232:02-232:05.	Personal knowledge of the subject matter was established through the testimony of the witness. The document concerns subject matter that is within the area of responsibility he had when he was at Bard. He was a member of the Filter Team and was at Bard during the development of the G2. 25:24-26:02 and 29:09-29:11. It is proper to use the Bard composite document to evaluate what he knew and/or what information he was not given while working at Bard.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Tessmer, Alex 06/12/2013	298:09-298:12	Sustain	(Exhibit 14 and testimony) Rules 601/602 & 612. Witness does not have personal knowledge of document Witness was shown a document, was not familiar with it and testified that he/she does not have personal knowledge about it or the circumstances. Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Witness was not at Bard when document was created. See 232:02-232:05.	Personal knowledge of the subject matter was established through the testimony of the witness. The document concerns subject matter that is within the area of responsibility he had when he was at Bard. He was a member of the Filter Team and was at Bard during the development of the G2. 25:24-26:02 and 29:09-29:11. It is proper to use the Bard composite document to evaluate what he knew and/or what information he was not given while working at Bard.
PL AFFIRM	Tessmer, Alex 06/12/2013	298:14-298:16	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate of the filter at issue. Testimony is relevant to whether the Recovery and the filters based upon it have a defective design and defective warnings which is at issue. Testimony involves a failure mode at issue and applies to all Bard's filters. The Eclipse is essentially the Recovery and the G2 with only minor modifications.
PL AFFIRM	Tessmer, Alex 06/12/2013	299:23-300:06 Redact the words "and didn't have any patient death as a result of migration of the device" at lines 1 & 2	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate of the filter at issue. Testimony is relevant to whether the Recovery and the filters based upon it have a defective design and defective warnings which is at issue. Testimony involves a failure mode at issue and applies to all Bard's filters. The Eclipse is essentially the Recovery and the G2 with only minor modifications.
PL AFFIRM	Tessmer, Alex 06/12/2013	300:08-300:20	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony involves the Recovery, which is the predicate of the filter at issue. Testimony is relevant to whether the Recovery and the filters based upon it have a defective design and defective warnings which is at issue. Testimony involves a failure mode at issue and applies to all Bard's filters. The Eclipse is essentially the Recovery and the G2 with only minor modifications.
PL AFFIRM	Tessmer, Alex 06/12/2013	300:22-301:01	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Testimony involves the Recovery, which is the predicate of the filter at issue. Testimony is relevant to whether the Recovery and the filters based upon it have a defective design and defective warnings which is at issue. Testimony involves a failure mode at issue and applies to all Bard's filters. The Eclipse is essentially the Recovery and the G2 with only minor modifications.
PL AFFIRM	Tessmer, Alex 06/12/2013	301:03-301:04 end "physicians"	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Testimony involves the Recovery, which is the predicate of the filter at issue. Testimony is relevant to whether the Recovery and the filters based upon it have a defective design and defective warnings which is at issue. Testimony involves a failure mode at issue and applies to all Bard's filters. The Eclipse is essentially the Recovery and the G2 with only minor modifications.
DEF COUNTER	Tessmer, Alex 06/12/2013	308:09-308:10			
DEF COUNTER	Tessmer, Alex 06/12/2013	308:12-308:22			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Tessmer, Alex 01/29/2020	7:17-23:25			
DEF COUNTER	Tessmer, Alex 01/29/2020	24:03-25:08			
DEF COUNTER	Tessmer, Alex 01/29/2020	25:11-34:22			
DEF COUNTER	Tessmer, Alex 01/29/2020	34:25-38:16			
DEF COUNTER	Tessmer, Alex 01/29/2020	38:18-39:04			
DEF COUNTER	Tessmer, Alex 01/29/2020	39:07-39:13			
DEF COUNTER	Tessmer, Alex 01/29/2020	39:16-47:09			
DEF COUNTER	Tessmer, Alex 01/29/2020	47:11-49:16			
DEF COUNTER	Tessmer, Alex 01/29/2020	49:18-50:16			
DEF COUNTER	Tessmer, Alex 01/29/2020	50:18-55:02			
DEF COUNTER	Tessmer, Alex 01/29/2020	55:04-58:02			
DEF COUNTER	Tessmer, Alex 01/29/2020	58:04-60:18			
DEF COUNTER	Tessmer, Alex 01/29/2020	60:20-65:18			
DEF COUNTER	Tessmer, Alex 01/29/2020	71:04-71:19			
PL AFFIRM	Tessmer, Alex 01/29/2020	173:06-173:10	Override	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know I would expect a manufacturer to tell him/her.	This testimony about the results of comparative testing is relevant to the question of design defect and reasonable care.
PL AFFIRM	Tessmer, Alex 01/29/2020	173:12	Override	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know I would expect a manufacturer to tell him/her.	This testimony about the results of comparative testing is relevant to the question of design defect and reasonable care.
PL AFFIRM	Tessmer, Alex 01/29/2020	179:06-179:09 “some”	Override	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know I would expect a manufacturer to tell him/her.	not a hypothetical
PL AFFIRM	Tessmer, Alex 01/29/2020	179:11	Override	improper hypothetical.	testimony of the witness establishes his knowledge to answer
PL AFFIRM	Tessmer, Alex 01/29/2020	179:13-179:17	Sustain	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know I would expect a manufacturer to tell him/her.	This testimony about the results of comparative testing is relevant to the question of design defect and reasonable care.
PL AFFIRM	Tessmer, Alex 01/29/2020	179:19-179:20	Sustain	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know I would expect a manufacturer to tell him/her.	This testimony about the results of comparative testing is relevant to the question of design defect and reasonable care.
PL AFFIRM	Tessmer, Alex 01/29/2020	180:01-180:05	Sustain	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know I would expect a manufacturer to tell him/her.	This testimony about the results of comparative testing is relevant to the question of design defect and reasonable care.
PL AFFIRM	Tessmer, Alex 01/29/2020	180:17-181:01	Override	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know I would expect a manufacturer to tell him/her.	This testimony about the results of comparative testing is relevant to the question of design defect and reasonable care.
PL AFFIRM	Tessmer, Alex 01/29/2020	181:03-181:04	Override	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know I would expect a manufacturer to tell him/her.	This testimony about the results of comparative testing is relevant to the question of design defect and reasonable care.
PL AFFIRM	Tessmer, Alex 01/29/2020	181:08-181:11	Override	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know I would expect a manufacturer to tell him/her.	This testimony is being offered not as evidence of a failure to warn, but goes to the question of design defect, reasonable care and what Bard did or didn't do in response to internal test results.
PL AFFIRM	Tessmer, Alex 01/29/2020	207:07-207:09			
PL AFFIRM	Tessmer, Alex 01/29/2020	211:22-211:25	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	This testimony is relevant. The witness was asked about his role in the development of the G2 filter, which is the predecessor of and nearly identical to the filter at issue. The question concerns testing done in the development process of the G2.
PL AFFIRM	Tessmer, Alex 01/29/2020	212:04-212:25			
PL AFFIRM	Tessmer, Alex 01/29/2020	213:06-213:13			
PL AFFIRM	Tessmer, Alex 01/29/2020	214:13-214:16			
PL AFFIRM	Tessmer, Alex 01/29/2020	215:03-215:05			
PL AFFIRM	Tessmer, Alex 01/29/2020	215:10-215:14			
PL AFFIRM	Tessmer, Alex 01/29/2020	216:13-217:18 begin at “but you” end “5303”			



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Tessmer, Alex 01/29/2020	217:21-218:08	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	This testimony is relevant. The witness was asked about his role in the development of the G2 filter, which is the predecessor of and nearly identical to the filter at issue. The question concerns testing done in the development process of the G2
DEF COUNTER	Tessmer, Alex 01/29/2020	218:15-218:18			
PL AFFIRM	Tessmer, Alex 01/29/2020	220:01-220:02	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	This testimony is relevant. The witness was asked about his role in the development of the G2 filter, which is the predecessor of and nearly identical to the filter at issue. The question concerns testing done in the development process of the G2
PL AFFIRM	Tessmer, Alex 01/29/2020	220:07-220:16	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	This testimony is relevant. The witness was asked about his role in the development of the G2 filter, which is the predecessor of and nearly identical to the filter at issue. The question concerns testing done in the development process of the G2
PL AFFIRM	Tessmer, Alex 01/29/2020	220:19-221:02	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	This testimony is relevant. The witness was asked about his role in the development of the G2 filter, which is the predecessor of and nearly identical to the filter at issue. The question concerns testing done in the development process of the G2
PL AFFIRM	Tessmer, Alex 01/29/2020	221:14-221:20			
PL AFFIRM	Tessmer, Alex 01/29/2020	222:24-223:01			
PL AFFIRM	Tessmer, Alex 01/29/2020	223:11-223:20			
PL AFFIRM	Tessmer, Alex 01/29/2020	223:23-223:24			
PL AFFIRM	Tessmer, Alex 01/29/2020	224:01-224:23			
PL AFFIRM	Tessmer, Alex 01/29/2020	227:12-227:20			
PL AFFIRM	Tessmer, Alex 01/29/2020	228:02-228:07			
DEF COUNTER	Tessmer, Alex 01/29/2020	228:09-229:13			
PL AFFIRM	Tessmer, Alex 01/29/2020	228:15-228:16			
DEF COUNTER	Tessmer, Alex 01/29/2020	229:24-229:25			
PL AFFIRM	Tessmer, Alex 01/29/2020	230:02			
PL AFFIRM	Tessmer, Alex 01/29/2020	230:04-230:15			
PL AFFIRM	Tessmer, Alex 01/29/2020	230:19-231:09			
PL AFFIRM	Tessmer, Alex 01/29/2020	231:21-231:24			
PL AFFIRM	Tessmer, Alex 01/29/2020	232:15-232:24			
PL AFFIRM	Tessmer, Alex 01/29/2020	233:02-233:04			
PL AFFIRM	Tessmer, Alex 01/29/2020	233:20-234:04			
DEF COUNTER	Tessmer, Alex 01/29/2020	234:10-234:14			
PL AFFIRM	Tessmer, Alex 01/29/2020	235:09-235:10			
DEF COUNTER	Tessmer, Alex 01/29/2020	235:12-235:15			
PL AFFIRM	Tessmer, Alex 01/29/2020	235:13-235:20			
PL AFFIRM	Tessmer, Alex 01/29/2020	235:25-237:04			
PL AFFIRM	Tessmer, Alex 01/29/2020	237:07-237:10	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 234:10-14 and 235:12-15 and 237:12-14. Also, no answer designated. Answer is 237:12-14.	This testimony is relevant. The witness was asked about his role in the development of the G2 filter, which is the predecessor of and nearly identical to the filter at issue. The question concerns testing done in the development process of the G2
DEF COUNTER	Tessmer, Alex 01/29/2020	237:12-237:14			
PL AFFIRM	Tessmer, Alex 01/29/2020	237:16-237:21	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 234:10-14 and 235:12-15 and 237:12-14	testimony of the witness establishes his knowledge to answer

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Tessmer, Alex 01/29/2020	238:01-238:09	Sustain	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. See 234:10 -14 and 235:12-15 and 237-12-4	testimony of the witness establishes his knowledge to answer
PL AFFIRM	Tessmer, Alex 01/29/2020	243:23-244:08			
DEF COUNTER	Tessmer, Alex 01/29/2020	244:18-244:20			
DEF COUNTER	Tessmer, Alex 01/29/2020	244:22-244:24			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Tessmer, Alex 01/29/2020	7:17-23:25	Overrule	15:05-22:02 FRE 402	The witness is an engineer and testifying about the engineering work done at Bard. It is directly relevant to the issues in this case.
DEF AFFIRM	Tessmer, Alex 01/29/2020	24:03-25:08	Overrule	24:14-25:08 FRE 402; FRE 602	The witness is explaining what work he did in the testing of the filter.
DEF AFFIRM	Tessmer, Alex 01/29/2020	25:11-34:22	Overrule	28:05-30:16 FRE 402	The witness is explaining what work he did in the testing of the filter.
DEF AFFIRM	Tessmer, Alex 01/29/2020	34:25-38:11			
DEF AFFIRM	Tessmer, Alex 01/29/2020	38:18-39:04			
DEF AFFIRM	Tessmer, Alex 01/29/2020	39:07-39:13			
DEF AFFIRM	Tessmer, Alex 01/29/2020	39:16-47:09			
DEF AFFIRM	Tessmer, Alex 01/29/2020	47:11-49:08			
DEF AFFIRM	Tessmer, Alex 01/29/2020	49:14-49:16			
DEF AFFIRM	Tessmer, Alex 01/29/2020	49:18-50:12			
DEF AFFIRM	Tessmer, Alex 01/29/2020	50:16			
DEF AFFIRM	Tessmer, Alex 01/29/2020	50:18-55:02			
DEF AFFIRM	Tessmer, Alex 01/29/2020	55:04-58:02			
DEF AFFIRM	Tessmer, Alex 01/29/2020	58:04-60:18	Overrule	60:16-60:18 leading	The question does not suggest the answer.
DEF AFFIRM	Tessmer, Alex 01/29/2020	60:20-65:18			
PL COUNTER	Tessmer, Alex 01/29/2020	90:05-90:22			
PL COUNTER	Tessmer, Alex 01/29/2020	90:24-90:25			
PL COUNTER	Tessmer, Alex 01/29/2020	91:22-91:24			
PL COUNTER	Tessmer, Alex 01/29/2020	92:02 through "yeah" 92:02-92:07	Sustain	Incomplete answer. The complete answer is lines 2-7.	
DEF COUNTER TO COUNTER	Tessmer, Alex 01/29/2020	113:06-113:23			
PL COUNTER	Tessmer, Alex 01/29/2020	148:20-148:24			
PL COUNTER	Tessmer, Alex 01/29/2020	149:01-149:03			
PL COUNTER	Tessmer, Alex 01/29/2020	156:16-156:24			
DEF COUNTER TO COUNTER	Tessmer, Alex 01/29/2020	156:25-157:04			
PL COUNTER	Tessmer, Alex 01/29/2020	158:14-158:18			
PL COUNTER	Tessmer, Alex 01/29/2020	175:15-175:18			
PL COUNTER	Tessmer, Alex 01/29/2020	175:20-175:21			
PL COUNTER	Tessmer, Alex 01/29/2020	236:18-236:25			
PL COUNTER	Tessmer, Alex 01/29/2020	237:01-237:04			
PL COUNTER	Tessmer, Alex 01/29/2020	237:07-237:10	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. There is no allegation of mitigation in this case.	
PL COUNTER	Tessmer, Alex 01/29/2020	237:12-237:14			
PL COUNTER	Tessmer, Alex 01/29/2020	247:11-247:17			
PL COUNTER	Tessmer, Alex 01/29/2020	247:19-247:22			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	Tessmer, Alex 01/29/2020	247:24-247:25			
PL COUNTER	Tessmer, Alex 01/29/2020	248:01-248:03			
DEF COUNTER TO COUNTER	Tessmer, Alex 01/29/2020	248:06-248:08			
DEF COUNTER TO COUNTER	Tessmer, Alex 01/29/2020	248:10-248:13			
PL COUNTER	Tessmer, Alex 01/29/2020	256:25 starting with "you"	Sustain	Takes testimony out of context. The context is 256:7-12 and 256:15-23	
PL COUNTER	Tessmer, Alex 01/29/2020	257:01-257:03			
PL COUNTER	Tessmer, Alex 01/29/2020	257:05			
DEF COUNTER TO COUNTER	Tessmer, Alex 01/29/2020	257:07-257:11			
DEF COUNTER TO COUNTER	Tessmer, Alex 01/29/2020	257:15-257:21			
DEF COUNTER TO COUNTER	Tessmer, Alex 01/29/2020	257:24			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Tessmer, Alex 11/17/2020	278:09-278:21	Overrule	FRE 402; Non-responsive after "not at all"	Objection was not made at the time of the testimony and is waived
DEF AFFIRM	Tessmer, Alex 11/17/2020	278:25-279:10	Overrule	FRE 402; Non-responsive after "not "	Objection was not made at the time of the testimony and is waived
DEF AFFIRM	Tessmer, Alex 11/17/2020	280:21-282:02			
DEF AFFIRM	Tessmer, Alex 11/17/2020	283:14-284:10	Overrule	FRE 402	This is redirect of testimony from cross by plaintiff.
DEF AFFIRM	Tessmer, Alex 11/17/2020	284:18-285:08 begin at "Mr. Tessmer"	Overrule	FRE 602 - calls for speculation 402	There is no speculation - the witness is explaining the testing that he did.
DEF AFFIRM	Tessmer, Alex 11/17/2020	285:15-286:07	Overrule	FRE 802; FRE 602	The testimony is not hearsay - it is not offered for the truth of the matter asserted but to explain the witness' actions
PL COUNTER	Tessmer, Alex 11/17/2020	336:25			
PL COUNTER	Tessmer, Alex 11/17/2020	337:01-337:10			
DEF COUNTER TO COUNTER	Tessmer, Alex 11/17/2020	337:23-341:24			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL BLANKET OBJECTION				Running Objection to Relevance & FRE 701: Plaintiff objects on grounds that this testimony is not relevant to this case, that this witness has no personal knowledge that is relevant to this case, and that this is an attempt to elicit expert opinions from a witness not designated as such in violation of FRE 701. Plaintiff makes his counter-designations in the event the court overrules his objections.	Bard's response to Plaintiff's "Running Objection to Relevance & RE 701": Plaintiff's running objection was over-ruled in the MDL, where the Court stated: "The Court overruled a number of objections to allegedly non-disclosed expert opinions because the questions generally were about the doctor's own practice and personal experience using IVC filters -- matters the Court regards as relevant factual evidence rather than expert opinion under Rule 702." Furthermore, Dr. Trerotola was deposited in the MDL because of his work, because of the work he did directly with Bard as a consultant to it on IVC filters. Dr. Trerotola is the Chief of Interventional Radiology at the Hospital of the University of Pennsylvania. His testimony is relevant to steps Bard took to obtain medical expert input on the design, use and warnings relating to its filters, as well as to what medical doctors utilizing filters knew at various times about filter indications and contraindications, filter retrieval and other filter-related information. His testimony is based on his own personal knowledge through his experience as a medical doctor as to the indications for, complications associated with, implantation and retrieval of IVC filters. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions; rather he is a witness with fact information relevant to these cases.
DEF AFFIRM	Trerotola, Scott 01/20/2017	5:24-6:04			
DEF AFFIRM	Trerotola, Scott 01/20/2017	6:07-6:16			
PL COUNTER	Trerotola, Scott 01/20/2017	8:03-9:23	Overrule	This is not a proper counter designation. It is not necessary. Plaintiff should have designated the testimony affirmatively.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination. See PTC Hearing Transcript 4/20/2021 p. 60.
DEF AFFIRM	Trerotola, Scott 01/20/2017	9:24-10:03	Overrule	(9:25) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his experience implanting filters is not relevant. (10:01-10:03) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his experience implanting filters is not relevant.	(9:25 - 10:03) The witness is simply introducing himself and describing his background, and completing his answer to questions designated by Plaintiff immediately above. He is not giving expert opinion testimony.
PL COUNTER	Trerotola, Scott 01/20/2017	10:06-11:06	Overrule	This is not a proper counter designation. It is not necessary. Plaintiff should have designated the testimony affirmatively.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination. See PTC Hearing Transcript 4/20/2021 p. 60.
PL COUNTER	Trerotola, Scott 01/20/2017	12:16-12:19 beginning with "'Do'"	Sustain	Rules 601, 602, lack of foundation. The witness states "I don't think I am qualified to answer that question". 12:21 - 22	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias.
PL COUNTER	Trerotola, Scott 01/20/2017	12:21-12:22			
PL COUNTER	Trerotola, Scott 01/20/2017	14:01-14:03	Overrule	Rules 401 and 402 not relevant	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias.
DEF AFFIRM	Trerotola, Scott 01/20/2017	16:04-16:07	Overrule	(16:04-16:07) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance - Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his employment as retained expert or lack thereof in other litigation is not relevant.	
DEF AFFIRM	Trerotola, Scott 01/20/2017	19:07-19:14	Sustain	(19:07-19:14) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions as to whether physicians rely upon manufacturers for safety information is not relevant and he is not qualified to give that opinion in this case.	
PL COUNTER	Trerotola, Scott 01/20/2017	19:23-20:05			
DEF AFFIRM	Trerotola, Scott 01/20/2017	20:06-20:09	Overrule	(20:06-20:09) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his experience implanting filters is not relevant.	(20:06 - 20:14) Dr. Trerotola was deposited at the instance of Plaintiffs, in the MDL, because of his work over many years as a consultant to Bard on its IVC filters. This testimony involves his answering Plaintiff's counsel's question about the various IVC filters he has placed. The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness.
PL COUNTER	Trerotola, Scott 01/20/2017	21:17-21:22			
PL COUNTER	Trerotola, Scott 01/20/2017	22:03-22:06 beginning with "'I speak'"			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Trerotola, Scott 01/20/2017	22:24-23:06	Overrule	FRE 401, 402, 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions as to whether physicians rely upon manufacturers for safety information is not relevant and he is not qualified to give that opinion in this case	Dr. Trerotola was deposited at the instance of Plaintiffs, in the MDL, (22:24 – 23:06) because of his work over many years as a consultant to Bard on its IVC filters. In this testimony, the witness answers a question by Plaintiff's counsel about his experience and expectations relative to the use of IVC filters. The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness.
DEF AFFIRM	Trerotola, Scott 01/20/2017	23:14-23:22			
PL COUNTER	Trerotola, Scott 01/20/2017	24:14-24:24	Sustain	(24:14 - 24:19) Rules 601, 602, lack of foundation.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product.
PL COUNTER	Trerotola, Scott 01/20/2017	25:19-25:21	Sustain	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Not a counter to testimony designated.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	26:01-26:03	Sustain	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Not a counter to testimony designated.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	26:05-26:06	Sustain	Rules 601, 602, lack of foundation. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Not a counter to testimony designated.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	26:13-26:22	Sustain	(26:19 – 26:21) Rules 601, 602, lack of foundation. Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Not a counter to testimony designated.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	27:02-27:04	Sustain	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Not a counter to testimony designated.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	27:14-27:21	Sustain	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her, irrelevant with Plaintiff's failure to warn claim dismissed. Not a counter to testimony designated	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	28:10-28:19	Overrule	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Not a counter to testimony designated	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	29:23-30:03	Overrule	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Not a counter to testimony designated.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Trerotola, Scott 01/20/2017	31:17-31:24	Overrule	(31:17-31:24) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions as to whether he relies upon manufacturers for safety information is not relevant and he is not qualified to give that opinion in this case. Testimony regarding the 510(k), FDA regulations, and SIR are not relevant and Plaintiff incorporates his arguments from the MILLS on these subjects	
PL COUNTER	Trerotola, Scott 01/20/2017	35:13-35:19			
PL COUNTER	Trerotola, Scott 01/20/2017	36:04-37:04			
PL COUNTER	Trerotola, Scott 01/20/2017	37:09-38:10			
PL COUNTER	Trerotola, Scott 01/20/2017	40:16-41:11			
PL COUNTER	Trerotola, Scott 01/20/2017	41:24-42:05			
PL COUNTER	Trerotola, Scott 01/20/2017	42:19-43:08			
PL COUNTER	Trerotola, Scott 01/20/2017	45:12-45:22			
PL COUNTER	Trerotola, Scott 01/20/2017	46:09-46:11			
PL COUNTER	Trerotola, Scott 01/20/2017	48:14-48:23			
PL COUNTER	Trerotola, Scott 01/20/2017	49:20-50:03			
PL COUNTER	Trerotola, Scott 01/20/2017	52:07-52:11	Overrule	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case. Irrelevant and any probative value outweighed by prejudicial effect. Not a counter to testimony designated.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	52:21-53:01			
DEF AFFIRM	Trerotola, Scott 01/20/2017	53:23-54:12	Overrule	(54:06-54:12) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions as to what the term "optional filter" is not relevant and he is not qualified to give that opinion in this case.	(54:06 - 54:12) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge.
PL COUNTER	Trerotola, Scott 01/20/2017	55:22-55:24			
PL COUNTER	Trerotola, Scott 01/20/2017	57:06-57:14			
PL COUNTER	Trerotola, Scott 01/20/2017	58:10-58:17	Overrule	Rules 401, 402 and 403 not relevant and not a counter to prior testimony	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product.
PL COUNTER	Trerotola, Scott 01/20/2017	59:09-59:17	Overrule	Rules 401, 402 and 403 not relevant and not a counter to prior testimony	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	63:18-63:24			
PL COUNTER	Trerotola, Scott 01/20/2017	74:24-76:05			
DEF AFFIRM	Trerotola, Scott 01/20/2017	77:11-77:16	Overrule	(77:11-77:16) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions as to the significance of the ease of retrievability is not relevant and he is not qualified to give that opinion in this case.	The Plaintiff's object was over-ruled in the MDL. The testimony was allowed. (77:11 - 77:23) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Trerotola, Scott 01/20/2017	78:08-80:10	Overrule	(80:02-80:10) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions as to what risks are related to IVC filters and the effect of complications on retrieval is not relevant and he is not qualified to give that opinion in this case.	(78:08 - 78:20) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge.
PL COUNTER	Trerotola, Scott 01/20/2017	79:10-79:17			
DEF COUNTER TO COUNTER	Trerotola, Scott 01/20/2017	79:18-80:01			
PL COUNTER	Trerotola, Scott 01/20/2017	80:11-80:22			
DEF AFFIRM	Trerotola, Scott 01/20/2017	83:16-83:18	Overrule	(83:16-83:18) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance - Dr. Trerotola is not designated as a retained expert in this case and his use of G2 filters is not relevant.	(83:06 - 83:18) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge.
PL COUNTER	Trerotola, Scott 01/20/2017	84:21-85:19	Overrule	Rules 401 & 402 - Irrelevant. Testimony does not involve filter/product at issue.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	86:09-86:24	Overrule	Rules 401 & 402 - Irrelevant. Testimony does not involve filter/product at issue.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	87:04-87:06	Overrule	Rules 401 & 402 - Irrelevant. Testimony does not involve filter/product at issue.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	87:14-88:06	Overrule	Rules 401 & 402 - Irrelevant. Testimony does not involve filter/product at issue.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	92:01-92:12	Overrule	Rules 401 & 402 - Irrelevant. Testimony does not involve filter/product at issue.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL COUNTER	Trerotola, Scott 01/20/2017	92:17-93:03	Overrule	Rules 401 & 402 - Irrelevant. Testimony does not involve filter/product at issue.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	Trerotola, Scott 01/20/2017	93:08-93:11	Overrule	Rules 401 & 402 – Irrelevant. Testimony does not involve filter/product at issue.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
DEF AFFIRM	Trerotola, Scott 01/20/2017	94:23-95:07	Overrule	FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance - Dr. Trerotola is not designated as a retained expert in this case and his use of G2 filters is not relevant. FRE 802 - the question calls for a hearsay response.	The Plaintiff's objection was over-ruled in the MDL. The testimony was allowed. (94:23 - 94:24) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge.
PL COUNTER	Trerotola, Scott 01/20/2017	98:16-99:07			
PL COUNTER	Trerotola, Scott 01/20/2017	99:15-99:21			
DEF AFFIRM	Trerotola, Scott 01/20/2017	102:12-102:18	Overrule	FRE 401, 402 701, FRCP 26(a)(2)(C) - FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinion as to the effect of caudal migration is not relevant and he is not qualified to give that opinion in this case.	
PL COUNTER	Trerotola, Scott 01/20/2017	103:18-104:03			
PL COUNTER	Trerotola, Scott 01/20/2017	105:12-105:17			
DEF AFFIRM	Trerotola, Scott 01/20/2017	107:02-107:08	Overrule	FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions as to the effect of penetration and tilt on retrieval are not relevant and he is not qualified to give those opinions in this case.	
PL COUNTER	Trerotola, Scott 01/20/2017	107:13-108:02			
PL COUNTER	Trerotola, Scott 01/20/2017	108:10-108:12			
PL COUNTER	Trerotola, Scott 01/20/2017	108:18-108:23			
PL COUNTER	Trerotola, Scott 01/20/2017	121:20-122:04	Overrule	Rules 601, 602, lack of foundation.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product.
PL COUNTER	Trerotola, Scott 01/20/2017	123:18-123:21 beginning with "myYou""			
PL COUNTER	Trerotola, Scott 01/20/2017	124:07-124:17	Overrule	Rules 401, 402 and 403. Not relevant	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Trerotola, Scott 01/20/2017	125:16-125:22	Overrule	(125:16-125:22) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions regarding testing by Bard are not relevant and he is not qualified to give opinions in this case.	(125:01 – 125:07) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge. (125:16 - 125:24) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge. (126:01 - 126:15) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge.
DEF AFFIRM	Trerotola, Scott 01/20/2017	125:24-126:05	Overrule	(125:24-126:05) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions regarding testing by Bard are not relevant and he is not qualified to give opinions in this case.	(125:16 - 125:24) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge. (126:01 - 126:15) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge.
DEF AFFIRM	Trerotola, Scott 01/20/2017	126:07-126:15	Overrule	(126:07-126:15) FRE 401, 402 701, FRCP 26(a)(2)(C) - Relevance Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions regarding testing by Bard are not relevant and he is not qualified to give opinions in this case.	(126:01 - 126:15) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge.
DEF COUNTER TO COUNTER	Trerotola, Scott 01/20/2017	132:16-132:22			
PL COUNTER	Trerotola, Scott 01/20/2017	133:05-133:13			
PL COUNTER	Trerotola, Scott 01/20/2017	134:24-135:11			
PL COUNTER	Trerotola, Scott 01/20/2017	137:04-137:11	Overrule	Rules 401 & 402 – Irrelevant. Testimony does not involve filter/product at issue.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
DEF COUNTER TO COUNTER	Trerotola, Scott 01/20/2017	137:12-137:18			
PL COUNTER	Trerotola, Scott 01/20/2017	138:07-138:10	Overrule	Rules 401, 402, 403. Testimony regarding Sales/Marketing does not relate to the claims or causes of action at issue in the case. Irrelevant and any probative value outweighed by prejudicial effect. Not a counter to testimony designated.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. The question is directly relevant to the reasonableness of Bard's conduct with regard to the its warnings and filter design. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
DEF COUNTER TO COUNTER	Trerotola, Scott 01/20/2017	138:11-138:17			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	Trerotola, Scott 01/20/2017	141:20-142:22	Overrule	Rules 401, 402, 403, testimony does not relate to the filter at issue, probative value outweighed by prejudicial effect.	Dr. Trerotola is being called as a lay witness for the defense. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician who not receive. The question s directly relevant the reasonableness of Bard's conduct with regard to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL COUNTER	Trerotola, Scott 01/20/2017	145:09-145:12	Overrule	Rules 601, 602, lack of foundation.	There is no lack of foundation it is an email he sent to Janet Hudnall a Bard Senior Product Manager who was involved in the development of the G2 filter. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician who not receive. The question s directly relevant the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	145:15-145:17	Overrule	Rules 601, 602, lack of foundation.	There is no lack of foundation it is an email he sent to Janet Hudnall a Bard Senior Product Manager who was involved in the development of the G2 filter. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician who no receive. The question s directly relevant the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	145:19-145:24	Overrule	Rules 601, 602, lack of foundation.	There is no lack of foundation it is an email he sent to Janet Hudnall a Bard Senior Product Manager who was involved in the development of the G2 filter. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician who no receive. The question s directly relevant the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	147:14-148:06	Overrule	Rules 401, 402, 403, testimony does not relate to the filter at issue, probative value outweighed by prejudicial effect. Subject to objection, Bard counters 148:14 – 19	There is no lack of foundation it is an email he sent to Janet Hudnall a Bard Senior Product Manager who was involved in the development of the G2 filter. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician who no receive. The question s directly relevant the reasonableness of Bard's conduct with regard to the its warnings and filter design.
DEF COUNTER TO COUNTER	Trerotola, Scott 01/20/2017	148:14-148:19			
PL COUNTER	Trerotola, Scott 01/20/2017	153:17-155:03	Overrule	Rules 401, 402, 403, testimony does not relate to the filter at issue, probative value outweighed by prejudicial effect. Subject to objection, Bard counters 155:4 – 9, and 167:15 – 22, 168:1 – 16.	There is no lack of foundation it is an email he sent to Janet Hudnall a Bard Senior Product Manager who was involved in the development of the G2 filter. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician who no receive. The question s directly relevant the reasonableness of Bard's conduct with regard to the its warnings and filter design.
DEF COUNTER TO COUNTER	Trerotola, Scott 01/20/2017	155:04-155:09			
PL COUNTER	Trerotola, Scott 01/20/2017	157:09-157:21			
PL COUNTER	Trerotola, Scott 01/20/2017	160:09-161:05			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	Trerotola, Scott 01/20/2017	165:07-167:14 Redact 165:15-165:21	Sustain	(165:17 – 165:20) Attorney colloquy should be withdrawn.	Agreed redaction resolves the objection.
DEF COUNTER TO COUNTER	Trerotola, Scott 01/20/2017	167:15-167:22			
DEF COUNTER TO COUNTER	Trerotola, Scott 01/20/2017	168:01-168:16			
PL COUNTER	Trerotola, Scott 01/20/2017	173:21-174:11	Override	Rules 401, 402, the document shown to the witness relates to a filter and complication mode not at issues in this case, probative value is outweighed by prejudicial effect. Rules 601, 602, lack of foundation. The witness is shown a document he has never seen, he did not author, he does not know the author or recipient of the document and it asked to interpret what the author meant by the document.	There is no lack of foundation Dr. Trerotola testified he is a consultant to Bard and in that role takes he has trained physicians to use Bard's IVC filters and takes calls for filter complaints from physicians round the world. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician would no receive and points out that as Bard's consultant he does no consider the Bard filters to be permanent devices. The question is directly relevant the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	174:13-174:17	Override	Rules 401, 402, the document shown to the witness relates to a filter and complication mode not at issues in this case, probative value is outweighed by prejudicial effect. Rules 601, 602, lack of foundation. The witness is shown a document he has never seen, he did not author, he does not know the author or recipient of the document and it asked to interpret what the author meant by the document.	There is no lack of foundation Dr. Trerotola testified he is a consultant to Bard and in that role takes he has trained physicians to use Bard's IVC filters and takes calls for filter complaints from physicians round the world. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician would no receive and points out that as Bard's consultant he does no consider the Bard filters to be permanent devices. The question is directly relevant the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	174:19-174:21	Override	Rules 401, 402, the document shown to the witness relates to a filter and complication mode not at issues in this case, probative value is outweighed by prejudicial effect. Rules 601, 602, lack of foundation. The witness is shown a document he has never seen, he did not author, he does not know the author or recipient of the document and it asked to interpret what the author meant by the document.	There is no lack of foundation Dr. Trerotola testified he is a consultant to Bard and in that role takes he has trained physicians to use Bard's IVC filters and takes calls for filter complaints from physicians round the world. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician would no receive and points out that as Bard's consultant he does no consider the Bard filters to be permanent devices. The question is directly relevant the reasonableness of Bard's conduct with regard to the its warnings and filter design.
PL COUNTER	Trerotola, Scott 01/20/2017	175:02-175:13	Override	Rules 401, 402, the document shown to the witness relates to a filter and complication mode not at issues in this case, probative value is outweighed by prejudicial effect. Rules 601, 602, lack of foundation. The witness is shown a document he has never seen, he did not author, he does not know the author or recipient of the document and it asked to interpret what the author meant by the document.	There is no lack of foundation Dr. Trerotola testified he is a consultant to Bard and in that role takes he has trained physicians to use Bard's IVC filters and takes calls for filter complaints from physicians round the world. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician would no receive and points out that as Bard's consultant he does no consider the Bard filters to be permanent devices. The question is directly relevant the reasonableness of Bard's conduct with regard to the its warnings and filter design.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	Trerotola, Scott 01/20/2017	175:15-175:24	Overrule	Rules 401, 402, the document shown to the witness relates to a filter and complication mode not at issues in this case, probative value is outweighed by prejudicial effect. Rules 601, 602, lack of foundation. The witness is shown a document he has never seen, he did not author, he does not know the author or recipient of the document and it asked to interpret what the author meant by the document.	There is no lack of foundation Dr. Trerotola testified he is a consultant to Bard and in that role takes he has trained physicians to use Bard's IVC filters and takes calls for filter complaints from physicians round the world. This is proper cross examination to determine the depth of his knowledge, challenge his credibility and expose potential bias. The questioning also reflects whether Dr. Trerotola represents the average physician or is present only to defend Bard's product. It demonstrates the closeness of his relationship with the defendants and the fact he was made privy to information the average physician would no receive and points out that as Bard's consultant he does no consider the Bard filters to be permanent devices. The question is directly relevant the reasonableness of Bard's conduct with regard to the its warnings and filter design.
DEF AFFIRM	Trerotola, Scott 01/20/2017	177:05-177:23	Overrule	(177:05-177:23) FRE 401, 402 701, FRCP 26(a)(2)(c) - Relevance- Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his erroneous opinions regarding FDA "approval" of the filter or Bard's intention in representing the G2 to be a permanent filter testing by Bard are not relevant and he is not qualified to give opinions in this case. Rule 802 - Dr. Trerotola's testimony as to what the FDA did is hearsay. Testimony regarding the 510(k), FDA regulations, and SIR are not relevant and Plaintiff incorporates his arguments from the MILs on these subjects.	The Plaintiff's object was over-ruled in the MDL. The testimony was allowed. (177:05 - 177:23) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge.
DEF AFFIRM	Trerotola, Scott 01/20/2017	178:20-179:03	Overrule	(178:20-178:24) Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions regarding "frightenol" are not relevant and he is not qualified to give opinions in this case. (179:01-179:03) Dr. Trerotola is not designated as a retained expert in this case and he is not a treating physician. Therefore he is a lay witness and his opinions regarding "frightenol" are not relevant and he is not qualified to give opinions in this case.	The Plaintiff's object was over-ruled in the MDL. The testimony was allowed. (178:20 - 178:24) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge. (179:01 - 179:03) The testimony is relevant to his experience as a medical doctor in the use of IVC filters, and goes to his credibility as a witness. His testimony, elicited principally through questions by plaintiff's counsel, necessarily provides information based on his expertise with IVC filters but he is not a lay witness improperly offering expert opinions. The testimony is based on his own personal knowledge.
PL COUNTER	Trerotola, Scott 01/20/2017	203:24-204:04			
PL COUNTER	Trerotola, Scott 01/20/2017	204:06-204:14			
PL COUNTER	Trerotola, Scott 01/20/2017	204:16-204:17			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				This entire deposition relates to the Bard Recovery filter and actions taken in response to adverse events - cephalad migration and deaths - regarding that filter. Under Rule 401, 402 and 403 - it has no relevance to the issues in this case and serves no purpose except to prejudice the jury. Mr. Uelman was not at Bard when the filter at issue was developed or implanted. There is no testimony designated relating to the G2 or later generation filters.	
PL AFFIRM	Uelman, Douglas 10/04/2013	10:15-10:17			
PL AFFIRM	Uelman, Douglas 10/04/2013	10:21			
DEF COUNTER	Uelman, Douglas 10/04/2013	19:16-19:18			
DEF COUNTER	Uelman, Douglas 10/04/2013	26:04-26:08			
DEF COUNTER	Uelman, Douglas 10/04/2013	37:23-38:01			
DEF COUNTER	Uelman, Douglas 10/04/2013	38:02-38:10			
DEF COUNTER	Uelman, Douglas 10/04/2013	38:14-40:04			
PL AFFIRM	Uelman, Douglas 10/04/2013	39:05-39:12			
DEF COUNTER	Uelman, Douglas 10/04/2013	58:07-58:13	Sustain		FRE 701 (opinion by lay witness based on scientific, technical or other specialized knowledge); FRE 403 the response is confusing and likely to mislead the jury.
DEF COUNTER	Uelman, Douglas 10/04/2013	58:18-58:21	Sustain		FRE 701 (opinion by lay witness based on scientific, technical or other specialized knowledge); FRE 403 the response is confusing and likely to mislead the jury.
PL AFFIRM	Uelman, Douglas 10/04/2013	59:15-59:22	Sustain		Lack of foundation. Calls for a legal conclusion
DEF COUNTER	Uelman, Douglas 10/04/2013	59:15-59:22 subject to objection			The witness was Vice President of Quality Assurance for Bard who in the course of his career had responsibility for a number of medical devices including the Simon Nitinol Filter and Recovery filter (23:03 - 25:20 & 50:22 - 51:08). As VP of Quality Assurance he had responsibility for design development being in compliance. (27:19 - 28:15). The question is clearly within his scope of responsibility and knowledge and does not seek a legal conclusion.
PL AFFIRM	Uelman, Douglas 10/04/2013	60:01			
PL AFFIRM	Uelman, Douglas 10/04/2013	69:01-69:12*			
PL AFFIRM	Uelman, Douglas 10/04/2013	70:02-70:08	Sustain		Plaintiffs adopt and incorporate by reference the response to the objections stated at Row 5.
PL AFFIRM	Uelman, Douglas 10/04/2013	70:16-70:18			
DEF COUNTER	Uelman, Douglas 10/04/2013	70:19-71:04			
DEF COUNTER	Uelman, Douglas 10/04/2013	71:06-71:18 subject to objection	Sustain	non-responsive	
DEF COUNTER	Uelman, Douglas 10/04/2013	328:13-328:17 subject to objection			
DEF COUNTER	Uelman, Douglas 10/04/2013	328:20-329:04 Subject to objection			
DEF COUNTER	Uelman, Douglas 10/04/2013	330:24-331:02 Subject to objection	Sustain	lack of foundation	
DEF COUNTER	Uelman, Douglas 10/04/2013	331:05 Subject to objection	Sustain	lack of foundation	
DEF COUNTER	Uelman, Douglas 10/04/2013	331:08-331:18 Subject to objection	Sustain	lack of foundation	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Uelmen, Douglas 10/04/2013	326:02-326:17	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The Recovery is the predicate design upon which the Eclipse G2 and GX2 platform of filters were based. The Recovery filter is the direct predicate for the G2 and the testimony is clear that the GX2 filter is identical to the G2 except it has a retrieval hook on the cap. The Eclipse is the same with electropolishing. (2013.11.05 Carr 23:13 - 23:17). The testimony relates to Bard's internal policies and procedures. As VP of Quality Assurance compliance with such policies is within the witness' knowledge. Evidence as to whether Bard complied with its own policies when designing, testing and selling the Recovery filter a predicate device for the G2/GFX filters, is relevant to the claims of product/warning defect and is more probative than prejudicial. The Eclipse, GS, GX2 and Recovery are essentially the same flawed design.
PL AFFIRM	Uelmen, Douglas 10/04/2013	326:19-326:19	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The Recovery is the predicate design upon which the Eclipse G2 and GX2 platform of filters were based. The Recovery filter is the direct predicate for the G2 and the testimony is clear that the GX2 filter is identical to the G2 except it has a retrieval hook on the cap. The Eclipse is the same with electropolishing. (2013.11.05 Carr 23:13 - 23:17). The testimony relates to Bard's internal policies and procedures. As VP of Quality Assurance compliance with such policies is within the witness' knowledge. Evidence as to whether Bard complied with its own policies when designing, testing and selling the Recovery filter a predicate device for the G2/GFX filters, is relevant to the claims of product/warning defect and is more probative than prejudicial. The Eclipse, GS, GX2 and Recovery are essentially the same flawed design.
PL AFFIRM	Uelmen, Douglas 10/04/2013	326:23-326:24	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The Recovery is the predicate design upon which the Eclipse G2 and GX2 platform of filters were based. The Recovery filter is the direct predicate for the G2 and the testimony is clear that the GX2 filter is identical to the G2 except it has a retrieval hook on the cap. The Eclipse is the same with electropolishing. (2013.11.05 Carr 23:13 - 23:17). The testimony relates to Bard's internal policies and procedures. As VP of Quality Assurance compliance with such policies is within the witness' knowledge. Evidence as to whether Bard complied with its own policies when designing, testing and selling the Recovery filter a predicate device for the G2/GFX filters, is relevant to the claims of product/warning defect and is more probative than prejudicial. The Eclipse, GS, GX2 and Recovery are essentially the same flawed design.
PL AFFIRM	Uelmen, Douglas 10/04/2013	327:02-327:03	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The Recovery is the predicate design upon which the Eclipse G2 and GX2 platform of filters were based. The Recovery filter is the direct predicate for the G2 and the testimony is clear that the GX2 filter is identical to the G2 except it has a retrieval hook on the cap. The Eclipse is the same with electropolishing. (2013.11.05 Carr 23:13 - 23:17). The testimony relates to Bard's internal policies and procedures. As VP of Quality Assurance compliance with such policies is within the witness' knowledge. Evidence as to whether Bard complied with its own policies when designing, testing and selling the Recovery filter a predicate device for the G2/GFX filters, is relevant to the claims of product/warning defect and is more probative than prejudicial. The Eclipse, GS, GX2 and Recovery are essentially the same flawed design.
PL AFFIRM	Uelmen, Douglas 10/04/2013	327:18-327:24	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The Recovery is the predicate design upon which the G2 and GX2 platform of filters were based. The Recovery filter is the direct predicate for the G2 and the testimony is clear that the GX2 filter is identical to the G2 except it has a retrieval hook on the cap. (2013.11.05 Carr 23:13 - 23:17). The testimony relates to Bard's internal policies and procedures. As VP of Quality Assurance compliance with such policies is within the witness' knowledge. Evidence as to whether Bard complied with its own policies when designing, testing and selling the Recovery filter a predicate device for the G2/GFX filters, is relevant to the claims of product/warning defect and is more probative than prejudicial. The Eclipse, GS, GX2 and Recovery are essentially the same flawed design.
PL AFFIRM	Uelmen, Douglas 10/04/2013	328:02-328:09	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The Recovery is the predicate design upon which the Eclipse G2 and GX2 platform of filters were based. The Recovery filter is the direct predicate for the G2 and the testimony is clear that the GX2 filter is identical to the G2 except it has a retrieval hook on the cap. The Eclipse is the same with electropolishing. (2013.11.05 Carr 23:13 - 23:17). The testimony relates to Bard's internal policies and procedures. As VP of Quality Assurance compliance with such policies is within the witness' knowledge. Evidence as to whether Bard complied with its own policies when designing, testing and selling the Recovery filter a predicate device for the G2/GFX filters, is relevant to the claims of product/warning defect and is more probative than prejudicial. The Eclipse, GS, GX2 and Recovery are essentially the same flawed design.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Uelmen, Douglas 10/04/2013	332:01-332:06			
PL AFFIRM	Uelmen, Douglas 10/04/2013	332:09-332:13			
PL AFFIRM	Uelmen, Douglas 10/04/2013	332:16-332:21	Overrule	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	The Recovery is the predicate design upon which the G2 and GX2 platform of filters were based. The Recovery filter is the direct predicate for the G2 and the GX2 filter. The testimony is clear that the GX2 filter is identical to the G2 except it has a retrieval hook on the cap. (2013.11.05 Carr 23:13 -23:17). The testimony relates to Bard's internal policies and procedures. As VP of Quality Assurance compliance with such policies is within the witness' knowledge. Evidence as to whether Bard complied with its own policies when designing, testing and selling the Recovery filter a predicate device for the G2/GFX filters, is relevant to the claims of product/warning defect and is more probative than prejudicial. The Eclipse, GS, GX2 and Recovery are essentially the same flawed design.
PL AFFIRM	Uelmen, Douglas 10/04/2013	332:24			
PL AFFIRM	Uelmen, Douglas 10/04/2013	333:01-333:04	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The Recovery is the predicate design upon which the Eclipse G2 and GX2 platform of filters were based. The Recovery filter is the direct predicate for the G2 and the GX2 filter. The testimony is clear that the GX2 filter is identical to the G2 except it has a retrieval hook on the cap. The Eclipse is the same with electropolishing. (2013.11.05 Carr 23:13 -23:17). The testimony relates to Bard's internal policies and procedures. As VP of Quality Assurance compliance with such policies is within the witness' knowledge. Evidence as to whether Bard complied with its own policies when designing, testing and selling the Recovery filter a predicate device for the G2/GFX filters, is relevant to the claims of product/warning defect and is more probative than prejudicial. The Eclipse, GS, GX2 and Recovery are essentially the same flawed design.
PL AFFIRM	Uelmen, Douglas 10/04/2013	333:06-333:10	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	The Recovery is the predicate design upon which the G2 and GX2 platform of filters were based. The Recovery filter is the direct predicate for the G2 and the GX2 filter. The testimony is clear that the GX2 filter is identical to the G2 except it has a retrieval hook on the cap. (2013.11.05 Carr 23:13 -23:17). The testimony relates to Bard's internal policies and procedures. As VP of Quality Assurance compliance with such policies is within the witness' knowledge. Evidence as to whether Bard complied with its own policies when designing, testing and selling the Recovery filter a predicate device for the G2/GFX filters, is relevant to the claims of product/warning defect and is more probative than prejudicial. The Eclipse, GS, GX2 and Recovery are essentially the same flawed design.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION				Bard object to this entire deposition under Rules 401, 402 and 403. The testimony relates solely to the Bard Recovery filter and regulatory submissions relating to that filter. Ms. Vierling was not at Bard when the Eclipse filter was submitted to the FDA for clearance	
PL AFFIRM	Vierling, Carol 05/11/2016	08:19-08:20			
DEF COUNTER	Vierling, Carol 05/11/2016	8:19-8:20 will be withdrawn if played by Plaintiff			
PL AFFIRM	Vierling, Carol 05/11/2016	09:24-10:11			
DEF COUNTER	Vierling, Carol 05/11/2016	9:24-10:07			
DEF COUNTER	Vierling, Carol 05/11/2016	10:17-10:23 [10:18-10:23 will be withdrawn if played by Plaintiff]			
PL AFFIRM	Vierling, Carol 05/11/2016	10:18-11:02			
PL AFFIRM	Vierling, Carol 05/11/2016	14:21-16:01			
PL AFFIRM	Vierling, Carol 05/11/2016	16:10-16:12			
PL AFFIRM	Vierling, Carol 05/11/2016	21:09-21:16			
DEF COUNTER	Vierling, Carol 05/11/2016	24:15-24:20 begin at "so when"			
DEF COUNTER	Vierling, Carol 05/11/2016	26:06-26:07	Overrule	Rules 106, 403. Misleading about Vierling's level of involvement. Should include lines 26:6 through 26:17	
DEF COUNTER	Vierling, Carol 05/11/2016	26:13-26:17 begin at "I remember"	Overrule	Rules 106, 403. Misleading about Vierling's level of involvement. Should include lines 26:6 through 26:17	
PL AFFIRM	Vierling, Carol 05/11/2016	26:15-26:17	Overrule	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This witness left Bard before the G2 filter was on the market	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Vierling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse) and failed to report it.
DEF COUNTER	Vierling, Carol 05/11/2016	27:15-27:20			
DEF COUNTER	Vierling, Carol 05/11/2016	28:04-28:09			
DEF COUNTER	Vierling, Carol 05/11/2016	28:23-29:02			
PL AFFIRM	Vierling, Carol 05/11/2016	29:03-29:09 (ending with the 510(k))			
DEF COUNTER	Vierling, Carol 05/11/2016	30:10-30:17			
DEF COUNTER	Vierling, Carol 05/11/2016	31:23-32:03			
PL AFFIRM	Vierling, Carol 05/11/2016	33:03-33:07			
PL AFFIRM	Vierling, Carol 05/11/2016	33:11-33:21			
DEF COUNTER	Vierling, Carol 05/11/2016	33:13-33:15	Sustain as to including 33:13-33:21	Rules 106, 403. Misleading as to FDA's customary practice re: testing. Should include 33:13-33:21	
PL AFFIRM	Vierling, Carol 05/11/2016	36:17-36:19			
PL AFFIRM	Vierling, Carol 05/11/2016	36:23-36:24			
PL AFFIRM	Vierling, Carol 05/11/2016	37:02-37:05	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Vierling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse) and failed to report it. Testimony shows critical gatekeeping role assumed by Bard in 510(k) process and its duty to place then-Bard retrievable IVC filter, including the Eclipse, obtained FDA

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Verling, Carol 05/11/2016	37:09	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Verling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse) and failed to report it. Testimony shows critical gatekeeping role assumed by Bard in 510(k) process and its duty to disclose all material data.
DEF COUNTER	Verling, Carol 05/11/2016	38:05-38:24			
PL AFFIRM	Verling, Carol 05/11/2016	39:15-39:23	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter.	using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Verling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse), and failed to report it. Testimony shows critical gatekeeping role assumed by Bard in 510(k) process and its duty to disclose all material data.
PL AFFIRM	Verling, Carol 05/11/2016	42:16-42:21	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter or cephalad migration.	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Verling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse) and failed to report it. Testimony shows critical gatekeeping role assumed by Bard in 510(k) process and its duty to disclose all material data.
PL AFFIRM	Verling, Carol 05/11/2016	44:19-45:10	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. This case does not involve the Recovery filter or cephalad migration.	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Verling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse) and failed to report it. Testimony shows critical gatekeeping role assumed by Bard in 510(k) process and its duty to disclose all material data.
PL AFFIRM	Verling, Carol 05/11/2016	49:13-49:16	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Verling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse) and failed to report it. Testimony shows critical gatekeeping role assumed by Bard in 510(k) process and its duty to disclose all material data.
PL AFFIRM	Verling, Carol 05/11/2016	49:19-50:02	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Verling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse) and failed to report it. Testimony shows critical gatekeeping role assumed by Bard in 510(k) process and its duty to disclose all material data.
PL AFFIRM	Verling, Carol 05/11/2016	51:06-51:20	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Verling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse) and failed to report it. Testimony shows critical gatekeeping role assumed by Bard in 510(k) process and its duty to disclose all material data.
DEF COUNTER	Verling, Carol 05/11/2016	51:21-51:22			
DEF COUNTER	Verling, Carol 05/11/2016	52:01-52:05			
DEF COUNTER	Verling, Carol 05/11/2016	77:08-77:21	Overrule	Rules 106, 403. Misleading. Should also include lines 77:22-77:23.	
DEF COUNTER	Verling, Carol 05/11/2016	77:24-78:01			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Verling, Carol 05/11/2016	78:02-78:13	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Vierling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval.
DEF COUNTER	Verling, Carol 05/11/2016	78:23-79:03	Overrule	Rules 106, 403. Misleading. Should also include lines 78:2-13.	
DEF COUNTER	Verling, Carol 05/11/2016	79:07-79:08			
DEF COUNTER	Vierling, Carol 05/11/2016	84:02-84:04			
DEF COUNTER	Vierling, Carol 05/11/2016	84:17-84:21			
PL AFFIRM	Verling, Carol 05/11/2016	87:19-88:01	Sustain	This designation violates the Court's ruling on the MILL on Recovery migration deaths. Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Vierling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval.
DEF COUNTER	Verling, Carol 05/11/2016	88:02-88:08			
PL AFFIRM	Verling, Carol 05/11/2016	88:09-88:12	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain root causes of complications prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	88:20-88:23	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain root causes of complications prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	89:04-89:07	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain root causes of complications prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	98:05-98:18	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
PL AFFIRM	Verling, Carol 05/11/2016	98:21-99:07	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain whether complications were outliers or trends prior to submission.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Verling, Carol 05/11/2016	99:12-99:14	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain whether complications were outliers or trends prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	99:19-99:20	Sustain	Defendants' objection was sustained by Judge Campbell in the MDL. This testimony was not permitted in the bellwether trials. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; irrelevant and any probative value outweighed by prejudicial effect.	
PL AFFIRM	Verling, Carol 05/11/2016	100:02-100:09	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain whether complications were outliers or trends prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	100:12-100:18	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain whether complications were outliers or trends prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	101:01-101:04	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
PL AFFIRM	Verling, Carol 05/11/2016	101:08-101:09	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain whether complications were outliers or trends prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	102:01-102:06	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain whether complications were outliers or trends prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	105:07-105:13	Sustain	Defendants' objection was sustained by Judge Campbell in the MDL. This testimony was not permitted in the bellwether trials. The Court stated, "The question is not evidence. [105:07-105:10] Rules 401, 402. The attorney statement is not evidence."	
PL AFFIRM	Verling, Carol 05/11/2016	106:04-106:07	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain whether complications were outliers or trends prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	108:03-108:07	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard failed to fully account for and disclose information on comparative complication rates in its FDA 510(k) submission (which likely would have affected FDA clearance). The comparative complication rates pertain to complications shared by subsequent generations of Bard IVC filters, including the Eclipse.
PL AFFIRM	Verling, Carol 05/11/2016	108:14-108:20	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Verling, Carol 05/11/2016	109:17-110:07	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard failed to fully account for and disclose information on comparative complication rates in its FDA 510(k) submission (which likely would have affected FDA clearance). The comparative complication rates pertain to complications shared by subsequent generations of Bard IVC filters, including the Eclipse.
DEF COUNTER	Verling, Carol 05/11/2016	110:08-110:21			
PL AFFIRM	Verling, Carol 05/11/2016	112:02-112:04	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard failed to fully investigate in its sole clinical study certain comparative complication rates. The lack of investigation can be linked to those complications experienced by subsequent generations of Bard IVC filters, including the Eclipse.
PL AFFIRM	Verling, Carol 05/11/2016	112:08-112:14	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard failed to fully investigate in its sole clinical study certain comparative complication rates. The lack of investigation can be linked to those complications experienced by subsequent generations of Bard IVC filters, including the Eclipse.
DEF COUNTER	Verling, Carol 05/11/2016	124:15-124:16			
DEF COUNTER	Verling, Carol 05/11/2016	125:01-125:13	Sustain as to including 125:14-125:24 Sustain	Rule 106, 403. Misleading. Should also include 125:14-24.	
DEF COUNTER	Verling, Carol 05/11/2016	126:01-126:03	Sustain	Rule 106, 403. Incomplete and Confuses the jury. Should also include 126:4-5.	
DEF COUNTER	Verling, Carol 05/11/2016	126:06-126:09			
DEF COUNTER	Verling, Carol 05/11/2016	128:21-128:24			
DEF COUNTER	Verling, Carol 05/11/2016	130:04-130:14			
PL AFFIRM	Verling, Carol 05/11/2016	139:09-139:14	Sustain	Rule 701. Testimony is improper opinion testimony by a lay witness. Lay witness testifying with opinions on corporate ethics.	This is "helpful to understanding" Vierling's testimony about the level of analysis and testing required and expected by her in her role as Bard's Director of Regulatory Affairs.
PL AFFIRM	Verling, Carol 05/11/2016	139:17	Sustain	Rule 701. Testimony is improper opinion testimony by a lay witness. Lay witness testifying with opinions on corporate ethics.	This is "helpful to understanding" Vierling's testimony about the level of analysis and testing required and expected by her in her role as Bard's Director of Regulatory Affairs.
PL AFFIRM	Verling, Carol 05/11/2016	141:04-141:13	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Vierling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse), and failed to report it. Testimony shows critical gatekeeping role assumed by Bard in 510(k) process and its duty to
PL AFFIRM	Verling, Carol 05/11/2016	141:16-142:06	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Each Bard retrievable IVC filter, including the Eclipse, obtained FDA clearance using a prior-generation filter as its predicate; the first predicate device was the Recovery. Dr. Asch was hired by Bard to lead a clinical study on the Recovery, which Vierling relied on when overseeing the Recovery's submission to the FDA. Testimony is relevant and probative because it shows that Bard knew or should have known of adverse data associated with the Recovery (which relate to complications shared by the Eclipse), and failed to report it. Testimony shows critical gatekeeping role assumed by Bard in 510(k) process and its duty to
PL AFFIRM	Verling, Carol 05/11/2016	142:10-142:13	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain root causes of complications prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	142:16	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	
PL AFFIRM	Verling, Carol 05/11/2016	143:20-144:12	Override	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony establishes Bard's regulatory director's understanding of proper conduct in face of filter design failures and deficiencies, and shows Bard's conduct or lack thereof was not a one-off but consistent pattern of ignoring unfavorable data

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Verling, Carol 05/11/2016	144:19-145:07	Sustain as to 145:5-145:10	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony establishes Bard's regulatory director's understanding of proper conduct in face of filter design failures and deficiencies and shows Bard's conduct or lack thereof was not a one-off but consistent pattern of ignoring unfavorable data.
PL AFFIRM	Verling, Carol 05/11/2016	145:10	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony establishes Bard's regulatory director's understanding of proper conduct in face of filter design failures and deficiencies and shows Bard's conduct or lack thereof was not a one-off but consistent pattern of ignoring unfavorable data.
PL AFFIRM	Verling, Carol 05/11/2016	147:14-147:18	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony establishes Bard's regulatory director's understanding of proper conduct in face of filter design failures and deficiencies and shows Bard's conduct or lack thereof was not a one-off but consistent pattern of ignoring unfavorable data.
PL AFFIRM	Verling, Carol 05/11/2016	154:17-154:18	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony establishes Bard's regulatory director's understanding of proper conduct in face of filter design failures and deficiencies and shows Bard's conduct or lack thereof was not a one-off but consistent pattern of ignoring unfavorable data.
PL AFFIRM	Verling, Carol 05/11/2016	155:09-155:22	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony establishes Bard's regulatory director's understanding of proper conduct in face of filter design failures and deficiencies and shows Bard's conduct or lack thereof was not a one-off but consistent pattern of ignoring unfavorable data.
PL AFFIRM	Verling, Carol 05/11/2016	156:01-156:06	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony establishes Bard's regulatory director's understanding of proper conduct in face of filter design failures and deficiencies and shows Bard's conduct or lack thereof was not a one-off but consistent pattern of ignoring unfavorable data.
PL AFFIRM	Verling, Carol 05/11/2016	158:02-158:03			
DEF COUNTER	Verling, Carol 05/11/2016	158:11-158:16			
PL AFFIRM	Verling, Carol 05/11/2016	159:03-160:09	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony establishes Bard's regulatory director's understanding of proper conduct in face of filter design failures and deficiencies and shows Bard's conduct or lack thereof was not a one-off but consistent pattern of ignoring unfavorable data.
DEF COUNTER	Verling, Carol 05/11/2016	159:15-159:24			
DEF COUNTER	Verling, Carol 05/11/2016	160:01-160:05			
DEF COUNTER	Verling, Carol 05/11/2016	160:09			
PL AFFIRM	Verling, Carol 05/11/2016	160:12-160:24	Sustain	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony establishes Bard's regulatory director's understanding of proper conduct in face of filter design failures and deficiencies and shows Bard's conduct or lack thereof was not a one-off but consistent pattern of ignoring unfavorable data.
DEF COUNTER	Verling, Carol 05/11/2016	160:13-160:20			
PL AFFIRM	Verling, Carol 05/11/2016	162:12-162:20	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony is relevant and probative because it shows that Bard knew or should have known that Dr. Asch's study should not have been used as basis for FDA 510(k) submission since it did not sufficiently screen for all potential complications (including complications associated with Mr. Peterson's Eclipse), but rather looked only at filter retrieval. Testimony also shows critical gatekeeping role assumed by Bard in 510(k) process and its duty (and failure) to ascertain root causes of complications prior to submission.
PL AFFIRM	Verling, Carol 05/11/2016	162:23-162:24	Overrule	Rules 401, 402, 403 – Testimony relates to irrelevant and prejudicial evidence regarding Bard's conduct related to the Recovery Filter. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Testimony establishes Bard's regulatory director's understanding of proper conduct in face of filter design failures and deficiencies and shows Bard's conduct or lack thereof was not a one-off but consistent pattern of ignoring unfavorable data.
DEF COUNTER	Verling, Carol 05/11/2016	163:23-164:06			
DEF COUNTER	Verling, Carol 05/11/2016	164:12-164:17			
DEF COUNTER	Verling, Carol 05/11/2016	165:07-165:16			
DEF COUNTER	Verling, Carol 05/11/2016	168:04-168:10	Overrule	Rule 106, 403. Misleading. Should go from 167:17-168:10	
DEF COUNTER	Verling, Carol 05/11/2016	173:04-173:12			
DEF COUNTER	Verling, Carol 05/11/2016	173:17-174:07			
DEF COUNTER	Verling, Carol 05/11/2016	174:12-175:16			

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DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF COUNTER	Vierling, Carol 05/11/2016	175:22-177:01			
DEF COUNTER	Vierling, Carol 05/11/2016	177:20-178:01	Overrule	Rule 106. Incomplete. Should include lines 177:2-7.	
DEF COUNTER	Vierling, Carol 05/11/2016	179:01-179:03			
DEF COUNTER	Vierling, Carol 05/11/2016	179:09			
DEF COUNTER	Vierling, Carol 05/11/2016	181:07-181:11			
DEF COUNTER	Vierling, Carol 05/11/2016	181:14-181:20			
DEF COUNTER	Vierling, Carol 05/11/2016	182:09-182:10			
DEF COUNTER	Vierling, Carol 05/11/2016	182:19-182:24			
DEF COUNTER	Vierling, Carol 05/11/2016	183:02-183:18			
DEF COUNTER	Vierling, Carol 05/11/2016	183:20			
DEF COUNTER	Vierling, Carol 05/11/2016	184:03-184:08 through "510k submission"			
DEF COUNTER	Vierling, Carol 05/11/2016	184:20-184:23 through "FDA regulation"			
DEF COUNTER	Vierling, Carol 05/11/2016	185:01-185:08			
DEF COUNTER	Vierling, Carol 05/11/2016	186:04-186:16			
DEF COUNTER	Vierling, Carol 05/11/2016	187:15-187:24			
DEF COUNTER	Vierling, Carol 05/11/2016	193:22-194:05			
DEF COUNTER	Vierling, Carol 05/11/2016	197:09-197:16			
DEF COUNTER	Vierling, Carol 05/11/2016	198:11-198:12			
DEF COUNTER	Vierling, Carol 05/11/2016	198:15-198:21			
DEF COUNTER	Vierling, Carol 05/11/2016	199:12-200:05			
DEF COUNTER	Vierling, Carol 05/11/2016	200:12-200:14			
DEF COUNTER	Vierling, Carol 05/11/2016	200:18-200:22			
DEF COUNTER	Vierling, Carol 05/11/2016	207:05-207:07 through "document"			
DEF COUNTER	Vierling, Carol 05/11/2016	207:21-208:06			
DEF COUNTER	Vierling, Carol 05/11/2016	208:12-208:14			
DEF COUNTER	Vierling, Carol 05/11/2016	208:21-209:04			
DEF COUNTER	Vierling, Carol 05/11/2016	209:05-209:06 begin at "let" end at "3"			
DEF COUNTER	Vierling, Carol 05/11/2016	209:12-209:21			
DEF COUNTER	Vierling, Carol 05/11/2016	210:12-210:21			
DEF COUNTER	Vierling, Carol 05/11/2016	211:15-212:07			
DEF COUNTER	Vierling, Carol 05/11/2016	212:13-212:15			
DEF COUNTER	Vierling, Carol 05/11/2016	212:18-213:15			
DEF COUNTER	Vierling, Carol 05/11/2016	213:20-214:12			
DEF COUNTER	Vierling, Carol 05/11/2016	214:22-214:24			

Vierling 5.11.16 PL



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Defendants designate Ms. Vierling's testimony for use in the event the Court allows the introduction of evidence related to Kay Fuller and allegations regarding the submission of the Recovery Filter 510(k) to FDA. Defendants specifically object to the introduction of such evidence as irrelevant and overly prejudicial pursuant to Rules 401, 402, and 403.				
DEF AFFIRM	Vierling, Carol 05/11/2016	8:19-8:20			
DEF AFFIRM	Vierling, Carol 05/11/2016	9:24-10:07			
DEF AFFIRM	Vierling, Carol 05/11/2016	10:17-10:23			
PL COUNTER	Vierling, Carol 05/11/2016	16:10-16:12			
PL COUNTER	Vierling, Carol 05/11/2016	21:09-21:16			
DEF AFFIRM	Vierling, Carol 05/11/2016	24:15-24:20			
DEF AFFIRM	Vierling, Carol 05/11/2016	begin at "so when" 26:06-26:07			
DEF AFFIRM	Vierling, Carol 05/11/2016	26:13-26:14			
DEF AFFIRM	Vierling, Carol 05/11/2016	begin at "I remember" 27:15-27:20			
DEF AFFIRM	Vierling, Carol 05/11/2016	28:04-28:09			
DEF AFFIRM	Vierling, Carol 05/11/2016	28:23-29:02			
PL COUNTER	Vierling, Carol 05/11/2016	29:03-29:09 (ending with "the 510(k)"]")			
DEF AFFIRM	Vierling, Carol 05/11/2016	30:10-30:17			
DEF AFFIRM	Vierling, Carol 05/11/2016	31:23-32:03			
PL COUNTER	Vierling, Carol 05/11/2016	33:03-33:07			
PL COUNTER	Vierling, Carol 05/11/2016	33:11-33:21			
PL COUNTER	Vierling, Carol 05/11/2016	36:17-36:19			
PL COUNTER	Vierling, Carol 05/11/2016	36:23-36:24			
PL COUNTER	Vierling, Carol 05/11/2016	37:02-37:05			
PL COUNTER	Vierling, Carol 05/11/2016	37:09			
DEF AFFIRM	Vierling, Carol 05/11/2016	38:05-38:24			
PL COUNTER	Vierling, Carol 05/11/2016	45:03-45:10			
PL COUNTER	Vierling, Carol 05/11/2016	49:13-49:16	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect.	
PL COUNTER	Vierling, Carol 05/11/2016	49:19-50:02			
PL COUNTER	Vierling, Carol 05/11/2016	51:06-51:20			
DEF AFFIRM	Vierling, Carol 05/11/2016	77:08-77:18			
DEF AFFIRM	Vierling, Carol 05/11/2016	77:24-78:01	Sustain	(77:08-77:16) FRE 602 & lack of foundation: (see 77:17-23); hearsay: FRE 801 & 802	(77:08 – 77:16) The witness is asked if Dr. Asch, with whom she testified she had contact, had told her certain information. The witness is testifying from personal knowledge in answering in the negative
PL COUNTER	Vierling, Carol 05/11/2016	78:02-78:13			
PL COUNTER	Vierling, Carol 05/11/2016	87:19-88:01			

Vierling 5.11.16 DEF

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	Vierling, Carol 05/11/2016	88:09-88:12			
PL COUNTER	Vierling, Carol 05/11/2016	88:20-88:23			
PL COUNTER	Vierling, Carol 05/11/2016	89:04-89:07			
PL COUNTER	Vierling, Carol 05/11/2016	98:05-98:18			
PL COUNTER	Vierling, Carol 05/11/2016	98:21-99:07			
PL COUNTER	Vierling, Carol 05/11/2016	99:12-99:14			
PL COUNTER	Vierling, Carol 05/11/2016	99:19-99:20			
PL COUNTER	Vierling, Carol 05/11/2016	100:02-100:09			
PL COUNTER	Vierling, Carol 05/11/2016	100:12-100:18			
PL COUNTER	Vierling, Carol 05/11/2016	101:01-101:04			
PL COUNTER	Vierling, Carol 05/11/2016	101:08-101:12			
PL COUNTER	Vierling, Carol 05/11/2016	102:01-102:06			
PL COUNTER	Vierling, Carol 05/11/2016	105:07-105:13			
PL COUNTER	Vierling, Carol 05/11/2016	106:04-106:07			
PL COUNTER	Vierling, Carol 05/11/2016	108:03-108:07			
PL COUNTER	Vierling, Carol 05/11/2016	108:14-108:20			
PL COUNTER	Vierling, Carol 05/11/2016	109:17-110:07			
PL COUNTER	Vierling, Carol 05/11/2016	112:02-112:04			
PL COUNTER	Vierling, Carol 05/11/2016	112:08-112:14			
DEF AFFIRM	Vierling, Carol 05/11/2016	125:01-125:13			
DEF AFFIRM	Vierling, Carol 05/11/2016	126:01-126:03	Override	(125:01-125:13) FRE 401, 402 and 403: not relevant	(126:01 - 126:09) Witness has substantial experience and knowledge about FDA regulations and processes and was responsible for drafting the 501k documents for the Bard Recovery filter. This testimony demonstrates her personal knowledge of work done by co worker Kay Fuller.
DEF AFFIRM	Vierling, Carol 05/11/2016	126:06-126:09	Override	(126:01-126:09) FRE 401, 402 and 403: not relevant	(126:01 - 126:09) Witness has substantial experience and knowledge about FDA regulations and processes and was responsible for drafting the 501k documents for the Bard Recovery filter. This testimony demonstrates her personal knowledge of work done by co worker Kay Fuller.
DEF AFFIRM	Vierling, Carol 05/11/2016	128:21-128:24			
PL COUNTER	Vierling, Carol 05/11/2016	139:01-139:02			
PL COUNTER	Vierling, Carol 05/11/2016	139:06-139:07			
PL COUNTER	Vierling, Carol 05/11/2016	139:09-139:12			
PL COUNTER	Vierling, Carol 05/11/2016	140:20-141:08			
PL COUNTER	Vierling, Carol 05/11/2016	141:09-141:13			
PL COUNTER	Vierling, Carol 05/11/2016	141:16-142:06			
PL COUNTER	Vierling, Carol 05/11/2016	142:10-142:13			
PL COUNTER	Vierling, Carol 05/11/2016	142:16			
PL COUNTER	Vierling, Carol 05/11/2016	143:20-144:12			

Vierling 5.11.16 DEF

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL COUNTER	Vierling, Carol 05/11/2016	144:19-145:07			
PL COUNTER	Vierling, Carol 05/11/2016	145:10			
PL COUNTER	Vierling, Carol 05/11/2016	147:14-147:18			
PL COUNTER	Vierling, Carol 05/11/2016	155:19-155:22			
PL COUNTER	Vierling, Carol 05/11/2016	156:01-156:06			
DEF AFFIRM	Vierling, Carol 05/11/2016	158:11-158:16			
PL COUNTER	Vierling, Carol 05/11/2016	159:06-159:14			
DEF AFFIRM	Vierling, Carol 05/11/2016	159:15-159:24			
DEF AFFIRM	Vierling, Carol 05/11/2016	160:01-160:05			
DEF AFFIRM	Vierling, Carol 05/11/2016	160 09			
DEF AFFIRM	Vierling, Carol 05/11/2016	160:13-160:20	Overrule	(160:19-160:20) Object to the answer other than "that's right" on these grounds: FRE 701; lack of foundation and FRE 602	(160:19 - 160:20) Witness has substantial experience and knowledge about FDA regulations and processes and was responsible for drafting the 501k documents for the Bard Recovery filter. The witness was the author of, and has personal knowledge of, the email she is discussing
PL COUNTER	Vierling, Carol 05/11/2016	162:12-162:20			
PL COUNTER	Vierling, Carol 05/11/2016	162:23-162:24			
PL COUNTER	Vierling, Carol 05/11/2016	164:18-164:20			
PL COUNTER	Vierling, Carol 05/11/2016	166:01-167:01			
PL COUNTER	Vierling, Carol 05/11/2016	167:06-167:10			
PL COUNTER	Vierling, Carol 05/11/2016	167:17-168:03			
PL COUNTER	Vierling, Carol 05/11/2016	169:13-169:21			
DEF AFFIRM	Vierling, Carol 05/11/2016	179 09			
DEF AFFIRM	Vierling, Carol 05/11/2016	181:07-181:11			
DEF AFFIRM	Vierling, Carol 05/11/2016	181:14-181:20			
DEF AFFIRM	Vierling, Carol 05/11/2016	182:09-182:10			
DEF AFFIRM	Vierling, Carol 05/11/2016	182:19-182:24			
DEF AFFIRM	Vierling, Carol 05/11/2016	183:02-183:18	Overrule	(183:15-183:18) FRE 801 & 802: hearsay; FRE 602; lack of foundation	(183:15 - 183:20) The witness has personal knowledge relating to the study performed by Dr. Asch, with whom she testified she had contact. See 25:2 - 12, 26: 15- 17, 27:15 - 20, 27:15 - 20. Her testimony is based on her personal knowledge
DEF AFFIRM	Vierling, Carol 05/11/2016	183:20	Overrule	(183:20) FRE 801 & 802: hearsay; FRE 602; lack of foundation	(183:15 - 183:20) The witness has personal knowledge relating to the study performed by Dr. Asch, with whom she testified she had contact. See 25:2 - 12, 26: 15- 17, 27:15 - 20, 27:15 - 20. Her testimony is based on her personal knowledge
DEF AFFIRM	Vierling, Carol 05/11/2016	184:03-184:08 through "510k submission"			
DEF AFFIRM	Vierling, Carol 05/11/2016	184:20-184:23 through "FDA regulation"			
DEF AFFIRM	Vierling, Carol 05/11/2016	185:01-185:08			
DEF AFFIRM	Vierling, Carol 05/11/2016	186:04-186:16			
DEF AFFIRM	Vierling, Carol 05/11/2016	187:15-187:24	Overrule	(187:15-187:24) FRE 701; FRE 602; lack of foundation; object 187:24 based on FRE 403: confusing and misleading; mistakes standard used by FDA	(187:15 - 187:23) Witness has substantial experience and knowledge about FDA regulations and processes and was responsible for drafting the 501k documents for the Bard Recovery filter. This testimony demonstrates her personal knowledge and it is relevant to her credibility as a witness.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Vierling, Carol 05/11/2016	193:22-194:05			
DEF AFFIRM	Vierling, Carol 05/11/2016	198:11-198:12			
DEF AFFIRM	Vierling, Carol 05/11/2016	198:15-198:21			
DEF AFFIRM	Vierling, Carol 05/11/2016	199:12-200:05			
DEF AFFIRM	Vierling, Carol 05/11/2016	200:12-200:14			
DEF AFFIRM	Vierling, Carol 05/11/2016	200:18-200:22			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Weist, MD, John 04/5/2017	8:15-8:20 Starting with "Could you"			
PL AFFIRM	Weist, MD, John 04/5/2017	9:19-10:24			
PL AFFIRM	Weist, MD, John 04/5/2017	12:07-12:13			
PL AFFIRM	Weist, MD, John 04/5/2017	12:19-12:23			
PL AFFIRM	Weist, MD, John 04/5/2017	14:06-14:10			
DEF COUNTER	Weist, MD, John 04/5/2017	14:11-14:13			
PL AFFIRM	Weist, MD, John 04/5/2017	14:14-14:16	Override	Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. This doctor did not implant plaintiff's filter. What filters his hospital uses is not relevant and any relevance is outweighed by prejudice and risk of confusion.	The testimony is relevant as to Dr. Weist's knowledge of the filters produced by Bard it is not unfairly prejudicial as Bard has designed two physicians to testify as to there experience with the Bard filter who are not treating physicians and made similar inquiries of Dr. Goodman. The testimony is reasonable to counter the impression made by Bard that all physicians had a favorable opinion of Bard's IVC filters.
PL AFFIRM	Weist, MD, John 04/5/2017	14:18-14:19	Override	Rules 401, 402 & 403. Irrelevant and Unfairly prejudicial. This doctor did not implant plaintiff's filter. What filters his hospital uses is not relevant and any relevance is outweighed by prejudice and risk of confusion.	The testimony is relevant as to Dr. Weist's knowledge of the filters produced by Bard it is not unfairly prejudicial as Bard has designed two physicians to testify as to there experience with the Bard filter who are not treating physicians and made similar inquiries of Dr. Goodman. The testimony is reasonable to counter the impression made by Bard that all physicians had a favorable opinion of Bard's IVC filters.
PL AFFIRM	Weist, MD, John 04/5/2017	20:20-20:22			
PL AFFIRM	Weist, MD, John 04/5/2017	21:07-21:18			
PL AFFIRM	Weist, MD, John 04/5/2017	21:20-22:18			
PL AFFIRM	Weist, MD, John 04/5/2017	23:02-23:04			
PL AFFIRM	Weist, MD, John 04/5/2017	23:07-23:21			
PL AFFIRM	Weist, MD, John 04/5/2017	23:23-23:23			
PL AFFIRM	Weist, MD, John 04/5/2017	24:02-24:07			
PL AFFIRM	Weist, MD, John 04/5/2017	25:02-25:07			
PL AFFIRM	Weist, MD, John 04/5/2017	25:09-25:17			
PL AFFIRM	Weist, MD, John 04/5/2017	26:02-26:15			
PL AFFIRM	Weist, MD, John 04/5/2017	27:02-27:02			
PL AFFIRM	Weist, MD, John 04/5/2017	27:04-27:04			
PL AFFIRM	Weist, MD, John 04/5/2017	27:08-27:11			
PL AFFIRM	Weist, MD, John 04/5/2017	27:13-28:06			
PL AFFIRM	Weist, MD, John 04/5/2017	28:09-28:09			
PL AFFIRM	Weist, MD, John 04/5/2017	29:08-29:23			
DEF COUNTER	Weist, MD, John 04/5/2017	Starting with "Under the" 29:24-30:04			
PL AFFIRM	Weist, MD, John 04/5/2017	30:05-30:06			
PL AFFIRM	Weist, MD, John 04/5/2017	30:08-30:16			
PL AFFIRM	Weist, MD, John 04/5/2017	31:23-32:01			
PL AFFIRM	Weist, MD, John 04/5/2017	32:04-32:05			
PL AFFIRM	Weist, MD, John 04/5/2017	32:07-32:08			
PL AFFIRM	Weist, MD, John 04/5/2017	32:17-32:20			
Wiest 4.5.17 PL	Weist, MD, John 04/5/2017				

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Weist, MD, John 04/5/2017	32:22-32:22			
PL AFFIRM	Weist, MD, John 04/5/2017	32:24-33:05			
PL AFFIRM	Weist, MD, John 04/5/2017	33:07-33:08			
PL AFFIRM	Weist, MD, John 04/5/2017	33:10-33:15			
PL AFFIRM	Weist, MD, John 04/5/2017	33:17-33:18			
PL AFFIRM	Weist, MD, John 04/5/2017	33:20-34:01			
PL AFFIRM	Weist, MD, John 04/5/2017	34:03-34:07			
PL AFFIRM	Weist, MD, John 04/5/2017	34:11-34:17			
PL AFFIRM	Weist, MD, John 04/5/2017	35:21-35:23			
PL AFFIRM	Weist, MD, John 04/5/2017	36:03-36:13			
PL AFFIRM	Weist, MD, John 04/5/2017	36:15-36:17			
PL AFFIRM	Weist, MD, John 04/5/2017	36:24-37:20			
PL AFFIRM	Weist, MD, John 04/5/2017	37:24-38:01			
PL AFFIRM	Weist, MD, John 04/5/2017	38:03-38:03			
PL AFFIRM	Weist, MD, John 04/5/2017	38:05-38:07			
PL AFFIRM	Weist, MD, John 04/5/2017	38:09-38:15			
PL AFFIRM	Weist, MD, John 04/5/2017	38:18-38:18			
PL AFFIRM	Weist, MD, John 04/5/2017	38:20-39:05			
PL AFFIRM	Weist, MD, John 04/5/2017	39:07-39:08			
PL AFFIRM	Weist, MD, John 04/5/2017	39:11-40:02	Override	(39:20 - 40:02) Opinion testimony that goes beyond the scope of the treating physician's care of the plaintiff is subject to the requirements of Rule 26(a)(2)(B). This witness confirms at 64:6 - 64:14 that he did not learn of plaintiff's hernia or hernia surgery through the scope of his care of plaintiff.	The testimony is clearly within the knowledge of the witness as a treating physician, he has the training, qualifications and experience to discuss the subject and it is relevant. The testimony is declared in Plaintiff's description of the witness' testimony. [Dkt. No. 118].
PL AFFIRM	Weist, MD, John 04/5/2017	40:04-40:04	Override	Opinion testimony that goes beyond the scope of the treating physician's care of the plaintiff is subject to the requirements of Rule 26(a)(2)(B). This witness confirms at 64:6 - 64:14 that he did not learn of plaintiff's hernia or hernia surgery through the scope of his care of plaintiff.	The testimony is clearly within the knowledge of the witness as a treating physician, he has the training, qualifications and experience to discuss the subject and it is relevant. The testimony is declared in Plaintiff's description of the witness' testimony. [Dkt. No. 118].
PL AFFIRM	Weist, MD, John 04/5/2017	41:18-42:03			
PL AFFIRM	Weist, MD, John 04/5/2017	48:22-49:08			
PL AFFIRM	Weist, MD, John 04/5/2017	49:24-50:04			
PL AFFIRM	Weist, MD, John 04/5/2017	54:08-54:14	Override	Opinion testimony that goes beyond the scope of the treating physician's care of the plaintiff is subject to the requirements of Rule 26(a)(2)(B). This witness was not involved in the treatment decisions surrounding placement of plaintiff's filter.	Dr. Wiest is the vascular surgeon who removed the filter from Mr. Peterson and who was well acquainted with his medical history and reasons why the filter was placed. Defendants have retained an expert to testify that the filter was not necessary. Dr. Wiest's testimony is within the witness' knowledge, training and experience and based upon information gathered while he was treating the Plaintiff. It is relevant and admissible. The testimony is declared in Plaintiff's description of the witness' testimony. [Dkt. No. 118].
PL AFFIRM	Weist, MD, John 04/5/2017	60:04-60:06			
PL AFFIRM	Weist, MD, John 04/5/2017	60:09-61:15			
PL AFFIRM	Weist, MD, John 04/5/2017	63:01-63:09			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF AFFIRM	Weist, John 04/05/2017	42:12-42:16			
DEF AFFIRM	Weist, John 04/05/2017	42:20-43:04			
DEF AFFIRM	Weist, John 04/05/2017	43:07-43:16	Overrule	*FRCP 33(a)(6) - Optional completeness- if the Defendants offer 43:10-43:16; then 44:01-44:5 should be played next to place the testimony in it proper context.	Defendants do not agree to the inclusion of 44:01 - 44:05; however, to the extent Plaintiff suggests that a portion of the deposition be played out of order, Defendants disagree.
PL COUNTER	Weist, John 04/05/2017	If the Defendants offer 43:10-43:16, and the court denies Plaintiffs request under FRCP 33(a)(6) then Plaintiff will offer: 43:12-44:05			
DEF AFFIRM	Weist, John 04/05/2017	47:17-49:19	Sustain	FRE 403: Plaintiff has designated 48:22-49:8. To the extent the Defendants' intend to replay that testimony the probative value of such a duplicate presentation of testimony, if any, is substantially outweighed by undue delay, wasting of time and/or needlessly presenting cumulative evidence.	Defendants do not believe that the replaying of testimony is efficient or prudent. Defendants believe that all testimony designated should be played sequentially as it is set forth in the deposition. Under this procedure, no testimony would be played more than once.
DEF AFFIRM	Weist, John 04/05/2017	49:21-51:13			
DEF AFFIRM	Weist, John 04/05/2017	51:15-51:20	Sustain	FRE 403: To the extent the Defendants' intend to play 52:11-52:19 as part of their offer of testimony from this witness that testimony, 51:15-51:20 duplicates the same testimony and the probative value, if any, is substantially outweighed by undue delay, wasting of time and/or needlessly presenting cumulative evidence.	Defendants do not intend to play duplicative or cumulative testimony.
DEF AFFIRM	Weist, John 04/05/2017	52:04-53:17	Sustain	FRE 403: To the extent the Defendants' intend to play 51:15-51:30 as part of their offer of testimony from this witness that testimony, 52:15-52:19 duplicates the same testimony and the probative value, if any, is substantially outweighed by undue delay, wasting of time and/or needlessly presenting cumulative evidence.	Defendants do not intend to play duplicative or cumulative testimony.
DEF AFFIRM	Weist, John 04/05/2017	53:19-54:14	Sustain	FRE 403: Plaintiff has designated 54:8-54:14. To the extent the Defendants' intend to replay that testimony the probative value of such a duplicate presentation of testimony, if any, is substantially outweighed by undue delay, wasting of time and/or needlessly presenting cumulative evidence.	Defendants do not believe that the replaying of testimony is efficient or prudent. Defendants believe that all testimony designated should be played sequentially as it is set forth in the deposition. Under this procedure, no testimony would be played more than once.
DEF AFFIRM	Weist, John 04/05/2017	59:23-62:12	Sustain	FRE 403: Plaintiff has designated 60:4-60:6, 60:9-61:5. To the extent the Defendants' intend to replay that testimony the probative value of such a duplicate presentation of testimony, if any, is substantially outweighed by undue delay, wasting of time and/or needlessly presenting cumulative evidence.	Defendants do not believe that the replaying of testimony is efficient or prudent. Defendants believe that all testimony designated should be played sequentially as it is set forth in the deposition. Under this procedure, no testimony would be played more than once.
DEF AFFIRM	Weist, John 04/05/2017	64:16-65:21	Overrule	FRE 602, 611 (c): 65:17-65:21, 65:23-65:24 & 66:01-66:06- the questions are leading and seeks to introduce facts not in evidence as there is no evidence Mr. Peterson was lifting in excess of 15 to 20 lbs between his initial surgery and the first incisional hernia surgery. FRE 403: the probative value of the questions is out weight by its unfair prejudice, confusing of issue and potential to mislead the jury.	The questions are not leading, there was no leading objection or objection to the form of the question lodged at the time, and, most importantly, the Plaintiff took the testimony of the witness on direct. Defendants had him on cross, and Defendants were allowed to lead. Additionally, Defendants believe the evidence to be presented at trial will render this relevant.
DEF AFFIRM	Weist, John 04/05/2017	65:23-66:06			

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
DEF BLANKET OBJECTION	Wong, Natalie 10/18/2016			The testimony in this deposition relates entirely, or in significant part, to the design of the Recovery filter and actions taken regarding that filter. Bard objects to the testimony under Rules 401, 402 and 403 and for the reasons set forth in its MIL #2. The testimony is largely focused on alleged "bad acts" relating to the Recovery filter.	The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108.19)
PL AFFIRM	Wong, Natalie 10/18/2016	08:10-08:12 beginning with "Will you..."			
PL AFFIRM	Wong, Natalie 10/18/2016	10:03-10:06			
PL AFFIRM	Wong, Natalie 10/18/2016	13:06-13:08			
DEF COUNTER	Wong, Natalie 10/18/2016	13:09-13:24 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Wong, Natalie 10/18/2016	17:10-17:12			
DEF COUNTER	Wong, Natalie 10/18/2016	18:01-18:03 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Wong, Natalie 10/18/2016	29:13-29:16 beginning with "what's the goal..."			
PL AFFIRM	Wong, Natalie 10/18/2016	30:10-30:19 beginning with "Is..."			
PL AFFIRM	Wong, Natalie 10/18/2016	31:04-31:11			
DEF COUNTER	Wong, Natalie 10/18/2016	31:12-31:15 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Wong, Natalie 10/18/2016	31:16-31:22 beginning with "When would you..."			
PL AFFIRM	Wong, Natalie 10/18/2016	32:13-32:19 beginning with "why does Bard..."			
PL AFFIRM	Wong, Natalie 10/18/2016	32:23-33:04			
PL AFFIRM	Wong, Natalie 10/18/2016	33:07-33:20			
PL AFFIRM	Wong, Natalie 10/18/2016	40:07-40:13			
DEF COUNTER	Wong, Natalie 10/18/2016	40:14-40:16 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Wong, Natalie 10/18/2016	43:14-44:01 beginning with "why is it..."			
DEF COUNTER	Wong, Natalie 10/18/2016	44:01-44:13 For Completeness	Sustain as to 44 02-44 04	44:02-44:04 - Defendants are attempting to designate a partial question that was clearly struck by the offering attorney and a self-deprecating sidebar that has no relation to this case. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as	
PL AFFIRM	Wong, Natalie 10/18/2016	44:05-44:25			
PL AFFIRM	Wong, Natalie 10/18/2016	47:06-47:23 beginning with "when Bard's..."			
PL AFFIRM	Wong, Natalie 10/18/2016	50:01-50:23 beginning with "that data..."			
PL AFFIRM	Wong, Natalie 10/18/2016	52:10-52:18 beginning with "the adverse event..."			



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Wong, Natalie 10/18/2016	58:11-58:14			
DEF COUNTER	Wong, Natalie 10/18/2016	58:15-59:01 For Completeness	Overrule	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Wong, Natalie 10/18/2016	59:10-59:25			
PL AFFIRM	Wong, Natalie 10/18/2016	62:25-63:04	Sustain	The exhibit violates the Court's ruling on Bard's MIL on Recovery migration deaths. See, 64:18. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Wong, Natalie 10/18/2016	63:19-63:24	Sustain	The exhibit violates the Court's ruling on Bard's MIL on Recovery migration deaths. See, 64:18. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Wong, Natalie 10/18/2016	67:24-68:01 beginning with "there's an email..."	Sustain	The exhibit violates the Court's ruling on Bard's MIL on Recovery migration deaths. See, 64:18. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Wong, Natalie 10/18/2016	68:11-68:14	Sustain	The exhibit violates the Court's ruling on Bard's MIL on Recovery migration deaths. See, 64:18. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Wong, Natalie 10/18/2016	68:25-69:01	Sustain	The exhibit violates the Court's ruling on Bard's MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Wong, Natalie 10/18/2016	69:22-70:06 Start at "And your"	Sustain	The exhibit violates the Court's ruling on Bard's MIL on Recovery migration deaths. See, 64:18. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Wong, Natalie 10/18/2016	71:08-72:01 beginning with "you say,..." Redact "of death" at 71:14	Sustain	The exhibit violates the Court's ruling on Bard's MIL on Recovery migration deaths. See, 64:18. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Relates to migration deaths.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Migration is at issue in this trial. With the redaction, the references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Wong, Natalie 10/18/2016	76:25-77:02 beginning with "Would you..." Redact "of death" at 77:01	Sustain	This designation violates the COurt's ruling on Bard's MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. With the redaction, the references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108:19)
PL AFFIRM	Wong, Natalie 10/18/2016	77:05	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	77:07-77:08	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the deleptom of products at Bard. An essential function of her job is know what the customers (ubsicians) want or need.
PL AFFIRM	Wong, Natalie 10/18/2016	77:11-77:12	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the deleptom of products at Bard. An essential function of her job is know what the customers (ubsicians) want or need.
PL AFFIRM	Wong, Natalie 10/18/2016	84:23-84:25	Sustain	The exhibit violates the Court's ruling on Bard's MIL on Recovery migration deaths. See, 85:1. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108:19). Judge Campbell admitted the HHE from 12/17/2004 with redactions in the 108:19-108:20 Doc.
PL AFFIRM	Wong, Natalie 10/18/2016	85:02-85:15	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	86:02-86:13 beginning with "It states..."	Sustain	This testimony violates the Court's ruling on Bard's MIL on recovery migration deaths. See, 86:3. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108:19). Judge Campbell admitted the HHE from 12/17/2004 with redactions in the 108:19-108:20 Doc.
PL AFFIRM	Wong, Natalie 10/18/2016	86:15-86:17	Sustain	This testimony violates the Court's ruling on Bard's MIL on recovery migration deaths. See, 86:20. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108:19). Judge Campbell admitted the HHE from 12/17/2004 with redactions in the 108:19-108:20 Doc.
PL AFFIRM	Wong, Natalie 10/18/2016	86:19-86:23	Sustain	This testimony violates the Court's ruling on Bard's MIL on recovery migration deaths. See, 86:20. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 108:19). Judge Campbell admitted the HHE from 12/17/2004 with redactions in the 108:19-108:20 Doc.
PL AFFIRM	Wong, Natalie 10/18/2016	87:10-87:15	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	87:22-87:23 beginning with "do you think..."	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	87:25	Sustain	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Wong, Natalie 10/18/2016	99:21-99:22	Sustain	The exhibit being discussed violates the Court's ruling on Bard's MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue. Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The references do not include cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). Judge Campbell admitted the HHE from 12/17/2004 with redactions in the Jones and Hyde cases. This particular question and answer is math question.
PL AFFIRM	Wong, Natalie 10/18/2016	100:05-100:06	Sustain	Rules 607/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Judge Campbell sustained. Witness lacks knowledge. Doc 10403 p. 2A 23	Ms. Wong testified that she has been involved with putting together remedial action plan and doing the analysis. This is information was or should have been available to Ms. Wong and Ms. Wong should have known this information if she did not.
PL AFFIRM	Wong, Natalie 10/18/2016	100:10-100:24	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	102:10-103:03	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	103:09-103:19	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. Also, this violates the MDL Court's ruling on a motion for protective order finding that the hiring of the consultant and his report are protected work product.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. That is not what Judge Campbell's ruling said. Judge Campbell's ruling excluded very specific information and did not exclude the reference to Bard hiring consultants by name or otherwise. The order also did not exclude the information contained in the report because it can be found elsewhere such as the Dec 2004 HHE.
PL AFFIRM	Wong, Natalie 10/18/2016	104:19-105:24	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	109:24-110:09	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	110:14-110:20 beginning with "it says..."	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	112:13-112:22	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	114:10-114:13 beginning with "is it consistent..."	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	116:02-116:11 beginning with "this is being..."	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	118:20-118:23	Sustain	This designation violates the Court's ruling on Bard's MIL on Recovery migration deaths. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. This is a reference to cephalad migration death from the Recovery filter. This is a reference to a particular severity level used by Bard to rate potential injuries as part of the DFMEA process. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819).
PL AFFIRM	Wong, Natalie 10/18/2016	120:04-120:10 beginning with "was it ever..."	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the development of products at Bard. An essential function of her job is know what the customers (obvicians) want or need.
PL AFFIRM	Wong, Natalie 10/18/2016	121:12-121:13	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the development of products at Bard. An essential function of her job is know what the customers (obvicians) want or need.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Wong, Natalie 10/18/2016	121:15-121:16	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the deelopment of products at Bard. An essential function of her job is know what the customers (obisicians) want or need.
PL AFFIRM	Wong, Natalie 10/18/2016	121:18-121:24	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the deelopment of products at Bard. An essential function of her job is know what the customers (obisicians) want or need.
PL AFFIRM	Wong, Natalie 10/18/2016	122:09-122:22	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	123:01-123:12	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	125:17-125:24	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	126:03-126:24	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	130:09-130:12	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	130:17-130:18	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	131:19-131:22 beginning with "based on this..."	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Judge Campbell sustained this objection in the MDL Dkt. 12590, page 4	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Bard has materially misrepresented the MDL Court's Order. The ruling on Ms. Wong's testimony is on page 8 of the Order and the MDL Court did not rule on testimony from page 131.
PL AFFIRM	Wong, Natalie 10/18/2016	132:14-132:18	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	132:20	Sustain	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	141:17-142:09			
PL AFFIRM	Wong, Natalie 10/18/2016	142:17-143:12 begin with "look at)			
DEF COUNTER	Wong, Natalie 10/18/2016	143:17-143:22 For Completeness	Override	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Wong, Natalie 10/18/2016	145:19-146:04			
PL AFFIRM	Wong, Natalie 10/18/2016	146:08-146:20			
PL AFFIRM	Wong, Natalie 10/18/2016	146:22-146:23			
DEF COUNTER	Wong, Natalie 10/18/2016	147:05-147:09 For completeness subject to objection	Sustain	Non-responsive answer. The answer was unrelated to the question asked. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Wong, Natalie 10/18/2016	148:06-148:10			
PL AFFIRM	Wong, Natalie 10/18/2016	148:12			
PL AFFIRM	Wong, Natalie 10/18/2016	150:11-150:24			

Wong 10.18.16

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Wong, Natalie 10/18/2016	151:19-152:17			
PL AFFIRM	Wong, Natalie 10/18/2016	152:19-153:02			
PL AFFIRM	Wong, Natalie 10/18/2016	153:10-153:17 begin with "And"			
PL AFFIRM	Wong, Natalie 10/18/2016	154:08-154:18			
PL AFFIRM	Wong, Natalie 10/18/2016	154:25-155:14			
PL AFFIRM	Wong, Natalie 10/18/2016	155:20-155:25	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed. There is no claim of migration in this case.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. There is a claim of migration in this case.
PL AFFIRM	Wong, Natalie 10/18/2016	157:06-157:15			
PL AFFIRM	Wong, Natalie 10/18/2016	157:22-159:04			
PL AFFIRM	Wong, Natalie 10/18/2016	170:06-170:23			
PL AFFIRM	Wong, Natalie 10/18/2016	171:07-171:22			
PL AFFIRM	Wong, Natalie 10/18/2016	172:06-172:21			
DEF COUNTER	Wong, Natalie 10/18/2016	173:01-173:07 For Completeness	Sustain	Non-responsive answer. The answer was unrelated to the question asked. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Wong, Natalie 10/18/2016	175:15-175:25			
PL AFFIRM	Wong, Natalie 10/18/2016	176:20-177:14 begin with "10.1"	Sustain	177:10-14-the question is not evidence and the answer is ambiguous. This objection was sustained by Judge Campbell. MDL Dkt. 10403, page 9, #33.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Counsel is allowed to offer context for questions. Ms. Wong would have been allowed to read the question on the record. The document will be in evidence.
DEF COUNTER	Wong, Natalie 10/18/2016	177:15-177:16 For Completeness	Override	Non-responsive answer. The answer was unrelated to the question asked. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
DEF COUNTER	Wong, Natalie 10/18/2016	177:18-177:19 For Completeness	Override	Non-responsive answer. The answer was unrelated to the question asked. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	
PL AFFIRM	Wong, Natalie 10/18/2016	178:10-178:20	Sustain	The lawyer is simply reading the document to the witness. The question is not evidence. This objection was sustained by Judge Campbell. MDL Dkt. 10403, page 9, #34.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Counsel is allowed to offer context for questions. Ms. Wong would have been allowed to read the question on the record. The document will be in evidence.
PL AFFIRM	Wong, Natalie 10/18/2016	182:18-183:14			
PL AFFIRM	Wong, Natalie 10/18/2016	187:20-188:04			
PL AFFIRM	Wong, Natalie 10/18/2016	213:13-214:10			
PL AFFIRM	Wong, Natalie 10/18/2016	265:09-265:21	Override	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. The question at 265:9-14 is answered at 265:15. The question at 265:16-20 is answered at 265:21.
PL AFFIRM	Wong, Natalie 10/18/2016	273:20	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.
PL AFFIRM	Wong, Natalie 10/18/2016	273:24-274:01 beginning with "It's a memorandum..."	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Wong, Natalie 10/18/2016	274:20-274:23	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. This testimony relates to the investigations of fractures in the Recovery and caudal migrations of the G2 filters. (274:10-274:19). Mr. Peterson's filter migrated, perforated, embedded and fractured. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing the its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	276:23-277:01	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	277:04-277:16	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	278:18-278:23 beginning with "And then..."	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the development of products at Bard. An essential function of her job is know what the customers (physicians) want or need. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	278:25	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the development of products at Bard. An essential function of her job is know what the customers (physicians) want or need. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	279:03-279:22	Sustain as to 279:15-279:24	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	279:24	Sustain	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the development of products at Bard. An essential function of her job is know what the customers (physicians) want or need. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	283:12	Override	This exhibit relates solely to the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.

DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Wong, Natalie 10/18/2016	283:19-283:22	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	284:06-284:12	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	284:18-285:08	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	285:13-286:03	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	286:12-286:23	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	287:20-288:01	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	288:09-288:12	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect, particularly with Plaintiff's punitive damages claim dismissed.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	288:15-288:24 beginning with "are you the."	Override	This relates solely to actions taken for the Recovery filter. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.



DESIGNEE	DEPONENT	DESIGNATIONS	RULING	OBJECTION	RESPONSES TO OBJECTIONS
PL AFFIRM	Wong, Natalie 10/18/2016	289:21-289:23	Overrule	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rule 611, cumulative testimony. Judge Campbell sustained cumulative. Doc 10403, p 4 A.55-56.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Defendants have not identified to what testimony this designation is cumulative. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	290:20-290:23	Sustain	This designation violates the Court's ruling on Bard's MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rule 611, cumulative testimony. Judge Campbell sustained cumulative. Doc 10403, p 4 A.55-56.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Defendants have not identified to what testimony this designation is cumulative. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	290:25-291:04 beginning with "As of..."	Sustain	This designation violates the Court's ruling on Bard's MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rule 611, cumulative testimony. Judge Campbell sustained cumulative. Doc 10403, p 4 A.55-56.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Defendants have not identified to what testimony this designation is cumulative. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	291:06	Sustain	This designation violates the Court's ruling on Bard's MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rule 611, cumulative testimony. Judge Campbell sustained cumulative. Doc 10403, p 4 A.55-56.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Defendants have not identified to what testimony this designation is cumulative. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	291:08-291:10	Sustain	This designation violates the Court's ruling on Bard's MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rule 611, cumulative testimony. Judge Campbell sustained cumulative. Doc 10403, p 4 A.55-56.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Defendants have not identified to what testimony this designation is cumulative. This is not a reference to cephalad migration death from the Recovery filter. Is not a reference to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.
PL AFFIRM	Wong, Natalie 10/18/2016	291:12	Sustain	This designation violates the Court's ruling on Bard's MIL on Recovery migration deaths. Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rule 611, cumulative testimony. Judge Campbell sustained cumulative. Doc 10403, p 4 A.55-56.	All Bard filters are relevant to show the design defect of the Eclipse and Bard's failure to warn the medical community of the dangers of their filters. Defendants have not identified to what testimony this designation is cumulative. This is not a reference to cephalad migration death from the Recovery filter. Judge Campbell recognized the relevance probative value of such testimony regarding the design process from the Recovery filter to the Eclipse and did not exclude all references to cephalad migration only the cases of death. (MDL Doc. 10819). The testimony is relevant to the issue as to whether Bard acted reasonably given the complications is was seeing with its retrievable filters.